

# MAYOR & COUNCIL AGENDA COVER SHEET

## MEETING DATE:

June 20, 2005

## CALL TO PODIUM:

**Caroline Seiden**  
**Planner**

## RESPONSIBLE STAFF:

**Fred Felton, Assistant City**  
**Manager**

**Caroline Seiden**  
**Planner**

## AGENDA ITEM:

(please check one)

|   |                              |
|---|------------------------------|
|   | Presentation                 |
|   | Proclamation/Certificate     |
|   | Appointment                  |
| X | Joint Public Hearing         |
|   | Historic District            |
|   | Consent Item                 |
|   | Ordinance                    |
|   | Resolution                   |
|   | Policy Discussion            |
|   | Work Session Discussion Item |
|   | Other:                       |

## PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

|                   |            |
|-------------------|------------|
| Introduced        |            |
| Advertised        | 06/01/2005 |
|                   | 06/08/2005 |
|                   |            |
|                   |            |
| Hearing Date      | 06/20/2005 |
| Record Held Open  | Indef.     |
| Policy Discussion |            |

## TITLE: Z-301 and SDP-05-003

The applicant is requesting a change from the I-3 (Industrial Office Park) Zone to the Mixed Use Development (MXD) Zone on approximately 40.10 acres of land known as Casey East (Parcels 360, 563 and N455). The subject property is located northwest of the intersection of Maryland Route 355 (North Frederick Avenue) and Watkins Mills Road. In conjunction with the change in zone, SDP-05-003 proposes a mix of uses, including 303 residential units, and office, restaurant, retail, service station, and public uses.

## SUPPORTING BACKGROUND:

Gary Unterberg of Rodgers Consulting, Inc., representing the applicant, Pete Henry, BP Realty Investments, has submitted an application, Z-301, requesting a change from the I-3 (Industrial Office Park) Zone to the Mixed Use Development (MXD) Zone. Concurrently, the applicant will present a schematic development plan proposal, SDP-05-003, for a mixed use complex, to be completed in two phases. Uses include 303 residential units, and 315,000 square feet of office, restaurant, retail, service station, and public uses on approximately 40.10 acres of land. The subject property is located northwest of the intersection of Maryland Route 355 (North Frederick Avenue) and Watkins Mill Road, Gaithersburg, Maryland. The June 20, 2005 joint public hearing will be a consolidated hearing for both Z-301 and SDP-05-003.

**Background:** In 2002, the Casey East property was the subject of a rezoning application (Z-294) and also received concept plan approval, CSP-02-001 for R&D development, restaurants and offices. Z-294 has since been withdrawn (Z-301 Exhibit #4). The current application eliminates the R&D component and adds a residential component to the plan.

Staff recommends that SDP-05-003 be limited at this time to the first phase of development, and that phases II and IIA, identified on the plan, be considered at a future date.

### Attachments:

Z-301 Index of Memoranda and Exhibits identified in **bold**.  
SDP-05-003 Index of Memoranda and Exhibits identified in **bold**

## DESIRED OUTCOME:

**Planning Commission and City Council hold record open indefinitely**

INDEX OF MEMORANDA  
**Z-301**

- | <b>No.</b> | <b>Exhibit</b>   |
|------------|--|
| 1)         | <b>Application for Amendment to the Zoning Map</b>   |
| 2)         | <b>List of Property Owners, Parcels 360, 563 and N455</b>  |
| 3)         | <b>Letter to Greg Ossont from Gary Unterberg, May 19, 2005</b>   |
| 4)         | <b>Letter to Greg Ossont from Gary Unterberg withdrawing Z-294, May 19, 2005</b>   |
| 5)         | Receipt for the application fee  |
| 6)         | Copy of Receipt for Z-294 application fee, June 25, 2002, to be applied to Z-301 application   |
| 7)         | <b>Statement Demonstrating General Compliance of BP Realty Investments, LLC Application for MXD Zoning with Applicable Master Plan Recommendations</b>                                     |
| 8)         | <b>Memorandum in Support or Rezoning Request</b>   |
| 9)         | <b>List of Adjacent Property Owners</b>  |
| 10)        | <b>Letter requesting publication of the Legal Advertisement in the June 1 and June 8, 2005 edition of the <i>Gaithersburg Gazette</i> with attached facsimile transmittal confirmation</b> |
| 11)        | <b>Notice of Joint Public Hearing sent June 1, 2005 to required parties</b>  |
| 12)        | <b>List of all parties notified</b>  |
| 13)        | <b>1997 Neighborhood Six Master Plan, Study Area Three</b>   |
| 14)        | Cover Sheet and Land Use Plan (Sheet 1 of 6)   |
| 15)        | Sketch Plan (Sheet 2 of 6)   |
| 16)        | Phasing Plan (Sheet 3 of 6)  |
| 17)        | Recertified Natural Resources Inventory/Forest Stand Delineation (Sheet 4 of 6)  |
| 18)        | Boundary Survey (Sheet 5 of 6)   |

- 19) Preliminary Forest Conservation Plan (Sheet 6 of 6)
- 20) **Cover Sheet and Land Use Plan, reduced copy (Sheet 1 of 6)**
- 21) **Sketch Plan, reduced copy (Sheet 2 of 6)**
- 22) **Phasing Plan, reduced copy (Sheet 3 of 6)**
- 23) **Recertified Natural Resources Inventory/Forest Stand Delineation, reduced copy (Sheet 4 of 6)**
- 24) **Boundary Survey, reduced copy (Sheet 5 of 6)**
- 25) **Preliminary Forest Conservation Plan, reduced copy (Sheet 6 of 6)**
- 26) Agency Transmittals
- 27) **City of Gaithersburg Zoning Map with Site Identified**

## AMENDMENT TO THE ZONING MAP

In accordance with Chapter 24, Article VIII of the City Code

|                    |                 |
|--------------------|-----------------|
| Application No. Z- | <u>301</u>      |
| Filing Date        | <u>5-19-05</u>  |
| Fee                | <u>\$540.00</u> |
| PC Hearing         | <u>6/20/05</u>  |
| PC Recommendation  |                 |
| M & CC Hearing     | <u>6/20/05</u>  |
| Decision           |                 |
| Date               |                 |

**SUBJECT PROPERTY** Parcels 360, 563, and N455

Address (if none, the location with respect to streets) Northwest intersection of MD Rte. 355 and Watkins Mill Rd

Lot N/A Block N/A Subdivision N/A

### REQUESTED CHANGE

From the existing I-3 Zone to the MXD Zone

☐ Optional Method of Development (check if applicable)

\*Note: The optional method is excluded from the RA Zone and the MXD Zone.

**APPLICANT(S)** Mr. Pete Henry, BP Realty Investments, LLC

Address 10000 Falls Rd., Ste. 100, Potomac, MD 20854 Telephone 301.299.2099

**OWNER(S)** See Attached

Address \_\_\_\_\_ Telephone \_\_\_\_\_

### TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

| DISTRICT<br>SUBDIVISION | ACCOUNT NUMBER | LOT  | BLOCK | ACRES/FEET | SUBDIVISION OR TRACT NAME           |
|-------------------------|----------------|------|-------|------------|-------------------------------------|
| 9 - 09                  | 03436262       | P360 |       | 18.90 AC±  | Mt. Conway & Rock Head Etc. 1125-61 |
| 9 - 09                  | 02214641       | N455 |       | 0.43 AC±   | Tektronix                           |
| 9 -                     |                |      |       |            |                                     |
| 9 - 09                  | 03436273       | P563 |       | 20.77 AC±  | Mt. Conway & Rock Head Etc. 1125-61 |
| 9 -                     |                |      |       |            |                                     |
| 9 -                     |                |      |       |            |                                     |

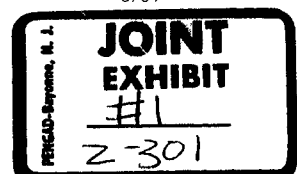
### ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

| APPLICATION # | DATE FILED | ACTION TAKEN  |
|---------------|------------|---|
| Z-294         | 7.01.2002  | Recommended for zoning map amendment with conditions. |
| Z-294         | 05.19.2005 | Withdrawn without prejudice                           |
|               |            |   |

continued on reverse side

3/97



## SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

If Optional Method submit also:

- **Schematic Development Plan** (which needs to include):
  - Uses of all buildings and structures
  - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
  - Location of points of access to site
  - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
  - Utility Easements
  - Natural Resource Inventory (See Environmental Standards)

- **Proposed Covenant**

- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: \_\_\_\_\_

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature Mary J. Untuberg, agent Date 5/19/05  
Owner's Signature Rodgers Consulting, Inc. Date \_\_\_\_\_

# RODGERS

## CONSULTING

*Enhancing the value of land assets*

May 19, 2005

City of Gaithersburg  
Planning and Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877

Attention: Mr. Greg Ossont, Director

Re: Parcels 360, 563, and N455  
MXD Zoning Application

Dear Greg,

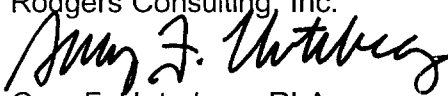
On behalf of BP Realty Investments, LLC we are submitting the MXD zoning application for Parcels 360, 563, and N455 (formerly Part of Parcel 910 and Outlot 1B). Zoning application Z-294 was submitted for the above mentioned parcels and has been withdrawn without prejudice. Per discussion with the City staff the C-2 zoning application fee of \$1,340 will be credited this application.

Enclosed are the following:

10 Copies of the Zoning Application (includes MXD sketch plan map, legal metes and bounds)  
Zoning Application  
Application Fee \$540 (\$1,880 MXD zoning minus Z-294 \$1,340 credit, & receipts)  
List of Adjacent Owners  
Statement

Please feel free to contact me if you have any questions, comments or concerns.

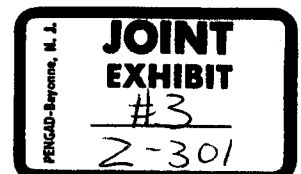
Sincerely,  
Rodgers Consulting, Inc.

  
Gary F. Unterberg, RLA  
Vice President

cc: P. Henry BP Realty  
B. Kline BP Realty  
J. Kline, MMC  
D. Carter, DCS  
R. Atkinson, DCS  
W. Guckert, TTC

Fred Felton, City  
Jim Arnoult, DPW  
J. Carman, RCI  
File

N:\PROJDOCS\776A2\Corresp\042605 Zoning Application Submission.doc



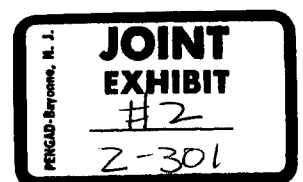
## **Parcels 360, 563, and N455 Property Owners**

### **Parcels 360 & 563**

Betty B Casey et al Tr.  
800 S Frederick Ave  
Suite 100  
Gaithersburg, MD 20877

### **Parcel N455**

The Humane Society of the United States  
2100 L Street NW  
Washington, DC 20037





*Enhancing the value of land assets*

May 19, 2005

City of Gaithersburg  
Planning and Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877

Attention: Mr. Greg Ossont, Director

Re: Zoning Application Z-294  
Part of Parcel 910 & Outlot 1B

Dear Greg,

On behalf of BP Realty Investments, LLC following discussions with City officials, we withdraw zoning application Z-294 without prejudice. Please feel free to contact me if you have any questions, comments or concerns.

Sincerely,  
Rodgers Consulting, Inc.

A handwritten signature in black ink, appearing to read "Gary F. Unterberg".

Gary F. Unterberg, RLA  
Vice President

cc: P. Henry BP Realty  
B. Kline BP Realty  
J. Kline, MMC  
D. Carter, DCS  
R. Atkinson, DCS  
W. Guckert, TTC

Fred Felton, City  
Jim Arnoult, DPW  
J. Carman, RCI  
File

N:\PROJDOCS\776A2\Corresp\042605 Zoning Application Withdrawal.doc



**STATEMENT DEMONSTRATING GENERAL COMPLIANCE OF  
BP REALTY INVESTMENTS, LLC APPLICATION FOR MXD ZONING  
WITH APPLICABLE MASTER PLAN RECOMMENDATIONS**

The following statement is submitted in support of the application of BP Realty Investments, LLC for MXD zoning for the property generally known as "The Exchange".

The subject property is currently zoned I-3, "Industrial and Office Park". The previous City of Gaithersburg Neighborhood Six Land Use Plan recommended the subject property for I-3 zoning and designated the property for a land use of "Commercial/Industrial – Research – Office", while calling for "a development of the site for commercial retail facilities that could possibly include a hotel", while also permitting the "expansion of the office and research and development uses". More recently, the City of Gaithersburg approved the Frederick Avenue Corridor Master Plan which proposes the subject property be developed as a "Mixed-Use Development" where the "uses should include commercial, residential and retail".

The subject MXD sketch plan application puts the proposed land use of the property squarely in accordance with the recommendations contained in the Frederick Avenue Corridor Plan. The subject application provides for retail uses, including restaurants favored and desired by the City of Gaithersburg. The sketch plan also includes opportunities for employment uses, including both office and research and development facilities. Finally, the plan proposes a variety of residential units in a form that will provide a range of housing opportunities for residents of the City.

This MXD application, and the schematic development plan associated with the application, is consistent with the specific "mixed-use" recommendation contained in the applicable area master plan and also promotes all of the land use goals set forth in the master plan.



**BEFORE THE MAYOR AND CITY COUNCIL OF GAITHERSBURG, MARYLAND**

**In the Matter of the Application of  
BP REALTY INVESTMENTS LLC  
For Rezoning to the MXD Zone**

**Zoning Application No. Z-301**

**MEMORANDUM IN SUPPORT OF REZONING REQUEST**

BP Realty Investments, LLC is applying for rezoning to the MXD classification for property located in the northwest quadrant of North Frederick Avenue and Watkins Mill Road Extended. Accordingly, the Applicant submits the following information in support of its requested rezoning.

Zoning and Land Use History

1. The Subject Property is currently zoned I-3, Industrial and Office Park.
2. The property was recently the subject of an application for rezoning to the C-2 zone under the optional method of application.
3. The existing City of Gaithersburg Neighborhood Six Land Use Plan was adopted in December 1996, and recommended the I-3 zoning for the subject property. However, the Land Use Plan also called for the property to be designated as "commercial/industrial-research-office", and called for the "development of the site for commercial retail facilities (that) could possibly include a hotel", while also permitting the "expansion of the office and research and development uses".
4. More recently the City of Gaithersburg approved the Frederick Avenue Corridor Master Plan, which proposes the Subject Property be developed as a mixed-use development, where the "Uses should include commercial, residential and retail".

Transportation

1. At the time of the City's 1996 Neighborhood Six Land Use Plan, the City had begun investigating the feasibility of constructing a much needed new road at Watkins Mill Road Extended to connect Route 355 with Route 117 which Montgomery County had proposed, designed, but then abandoned when the land could not be obtained from the property owners.



2. More recently, the Maryland State Highway Administration (SHA) has advanced plans to construct the Watkins Mill Interchange, and those plans are progressing expeditiously.
3. Within the past two years the SHA (i) has received final approval of environmental study for the project, (ii) conducted the required public input sessions, (iii) selected the final alignment for the interchange including preliminary design standards, and (iv) received Federal Highway Administration (FHIA) concurrence on the plan and design, placement and alignment.
4. The Watkins Mill Interchange project also received both the City of Gaithersburg's and Montgomery County Council's vote of approval and support.

#### Liquor License

1. At the time of the 1996 Master Plan, the City of Gaithersburg, along with many upcounty areas, were unable to attract national restaurant operators due to Montgomery County's longstanding restrictive liquor license regulation, that effectively required these restaurant operations to chose between a location downcounty in the more established areas of Rockville and Bethesda or the upcounty areas such as Gaithersburg;
2. The Gaithersburg community, employees of the area, the business community, and the Mayor, City Council and Planning Commission have for many years sought a change to this restrictive legislation to encourage more national restaurant operators to come into the City;
3. As a result of these efforts, the liquor licensing legislation was recently changed to permit a restaurant operation a separate license for the City of Gaithersburg, thus making Gaithersburg a more attractive locale for restaurant operators.

#### Change or Mistake Standard

To support a change in the City's adopted Zoning Map, Maryland case law seeks a demonstration that there has been a change in circumstances since the last comprehensive zoning, or a "mistake" in the comprehensive zoning, that justifies an amendment of the current zoning on a specific parcel of land.

In reviewing such an application for a Zoning Map Amendment, the municipality will take into account facts specific to a particular parcel of land and the existing Land Use Plan. For instance, in the case of the subject property, the 1996 Neighborhood Six Land Use Plan contemplated a mix of uses including retail/commercial that would include restaurant uses. The I-3 zoning classification was left on the subject property in 1997, during the comprehensive rezoning as a “holding zone” until a local map amendment was filed that would be consistent with the Land Use Plan’s recommendations. Therefore, the quantum of “change or mistake” that may be required in this situation is generally deemed to require a lower threshold, since the Land Use Plan intended, and in fact, invited, a request to change the current zoning.

Case law in Maryland also indicates that the quantum of “change or mistake” necessary to support a rezoning is greater when one is rezoning from a more “intense” classification (such as commercial) to a less “intense” classification (such as residential), and lesser for the reverse. In this instance, the subject application is a rezoning request from industrial (the most intense generic category of land uses) to a less intense (restricted commercial) usage. Therefore, again, the quantum of evidence necessary to support a finding of “change or mistake” in the subject application is minimal.

The following are evidence of change sufficient to justify the requested rezoning

1. Recent approval of the Watkins Mill Interchange by the City, County, SHA and FHA,
2. Recent approval of the required Environmental Report for Watkins Mill Interchange;
3. Completion of the design and selection of the Watkins Mill Road Alternative, including Road location, width and preliminary design approval;
4. A recent change in the alcoholic beverage control laws now allow a separate liquor license to be issued to restaurants wishing to come to Gaithersburg. This constitutes a significant “change in circumstances” which justifies the requested rezoning to the MXD classification to allow development and operations of restaurants that are desired by the residents of the City of Gaithersburg. Previously, the number of restaurants that would locate to the City of Gaithersburg was limited due to the restrictions of the alcoholic beverage control laws. The subject property is well

positioned to provide this category of land use and attract these users that require freestanding facilities to locate in the City.

5. The IBM property that adjoins the site to the south was recently Concept Plan approved for a 1 million square foot office complex.

For the reasons set forth above, the Applicant requests that the City rezone the subject property from the I-3 to the MXD classification with the development restrictions proposed by the applicant.

Parcels 360, 563, and N455  
Adjacent Owners Mailing List

| Name                                    | Mailing Address   | Premises Address   | Parcel | Use                        |
|---|---|--|--------|----------------------------|
| The Humane Society of the United States | 2100 L Street NW<br>20037   | Washington, DC 700 Professional Dr<br>Gaithersburg, MD 20879                     | N526   | Exempt<br>Commercial       |
| The Humane Society of the United States | 2100 L Street NW<br>20037   | Washington, DC Professional Dr,<br>Gaithersburg, MD<br>OL 1A Tektronix Inc       | N417   | Industrial                 |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW<br>20068-0001                       | Washington, DC Frederick Rd<br>Gaithersburg, MD<br>Chas & John Res               | P255   | Commercial/<br>Residential |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW                                     | 501 Professional Dr<br>Gaithersburg, MD 20877                                    | P307   | Commercial/<br>Residential |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW                                     | Frederick Rd<br>Gaithersburg, MD<br>Res on Charles & John                        | P182   | Commercial/<br>Residential |
| Colonial Pipeline Co.                   | PO Box 1624<br>30009-1624   | Alpharetta, GA 600 Professional Dr<br>Gaithersburg, MD 20877                     | N391   | Industrial                 |
| BRE/ESA MD Properties Business Trust    | c/o Blackstone Rea IV LLC 345<br>Park Ave<br>New York, NY 10154-0004              | 205 Professional Dr<br>Gaithersburg, MD 20878                                    | N204   | Industrial                 |
| City of Gaithersburg                    | 31 S Summit Ave Gaithersburg, MD<br>20877   | Frederick Rd<br>Gaithersburg, MD<br>Res on Younger Bros                          | P195   | Exempt<br>Commercial       |
| Libereto Enterprises LLC                | 18645 N Frederick Ave<br>Gaithersburg, MD 20879                                   | 18645 Frederick Rd<br>Gaithersburg, MD 20878                                     | P144   | Commercial                 |
| Miranda LLC                             | PO Box 86009<br>Gaithersburg, MD 20886  | 18701 Frederick RD<br>Gaithersburg, MD 20877                                     | P145   | Commercial                 |
| Mr 270 NMD I LLC                        | c/o Monument Realty, LLC 115<br>Connecticut Ave NW, FL 7<br>Washington, DC 20036  | 800 N Frederick Rd<br>Gaithersburg, MD   | N815   | Industrial                 |
| Watkins Mill Real Estate LLC            | c/o King Linc-Merc-Merkur<br>953 N Frederick Ave # 7540<br>Gaithersburg, MD 20879 | 953 N Frederick Ave<br>Gaithersburg, MD 20878                                    | N441   | Commercial                 |
| McCormick realty Ltd PTNSHP             | c/o Kimco Realty Corp<br>3333 New Hyde Park Rd #100<br>New Hyde Park, NY 11042    | 18501 N Frederick Ave<br>Gaithersburg, MD 20879                                  | N216   | Commercial                 |
| Monumental Corporation                  | 25 South Charles St<br>Baltimore, MD 21201  | N Frederick Ave<br>Gaithersburg, MD<br>Merger PL 10607 PAR F<br>TWN & CTRY Gaith | N220   | Apartments                 |



Parcels 360, 563, and N455  
Adjacent Owners Mailing List

| Name                   | Mailing Address  | Premises Address   | Parcel | Use        |
|------------------------|--|--|--------|------------|
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par B Twn & Ctry<br>Gaithersburg | N327   | Apartments |
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par C Twn & Ctry<br>Gaithersburg | N326   | Apartments |
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par A Twn & Ctry<br>Gaithersburg | N320   | Apartments |



May 26, 2005

Ms. Karey Major  
Law Section  
The Gaithersburg Gazette  
P.O. Box 6006  
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **June 1** and **June 8, 2005** issues of the Gaithersburg Gazette.

Sincerely,



Caroline Seiden

Planner  
chs

ASSIGN CODE: Z-301/Acc.# 133649

### NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Zoning Map Amendment Z-301, filed by BP Realty Investments, LLC, on

**MONDAY  
JUNE 20, 2005  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This application requests rezoning of approximately 40.10 acres of land on Parcels 360, 563 and N455 located at the Northwest intersection of MD Route 355 (North Frederick Avenue) and Watkins Mill Road, in the City of Gaithersburg, from the existing I-3 (Industrial Office Park) to the MXD (Mixed Use Development) Zone, in accordance with §24-196 (map amendments) of the City Code.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

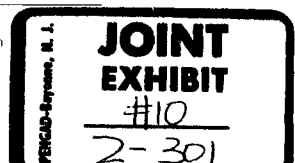
Caroline Seiden, Planner  
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine L. Edens  
Blanche H. Keller  
Henry F. Maratta, Jr.  
John B. Schlachtog

CITY MANAGER  
David B. Hampton



MODE = MEMORY TRANSMISSION

START=MAY-26 12:12

END=MAY-26 12:13

FILE NO.=456

| STN NO. | COMM. | ABBR NO. | STATION NAME/TEL NO. | PAGES   | DURATION |
|---------|-------|----------|----------------------|---------|----------|
| 001     | OK    | <11>     | GAZ LEG              | 003/003 | 00:00:55 |

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586330- \*\*\*\*\*



**Gaithersburg**  
A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO:

Karey Major

Gaithersburg Gazette

FAX NO.:

FROM:

Caroline Seiden

FAX NO.:

TELEPHONE NO.:

301-258-6330

DATE:

5/26/05

TIME:

12:10

NO. OF PAGES ATTACHED:

2

MESSAGE:

Karey: Here are 2 legal ads for  
June 1 and June 8. I emailed  
them as well.

**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330**

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, MD 20877-2098  
plancode@gaitHERSBURGMD.GOV www.gaitHERSBURGMD.GOV

**MAYOR**  
Sidney A. Katz

**CITY COUNCIL MEMBERS**  
Stanley J. Alster  
Geraldine E. Edens  
Blanche H. Keller  
Henry F. Marraffa, Jr.  
John B. Schlichting

**CITY MANAGER**  
David B. Humpton



CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

**Meeting:** MAYOR AND CITY COUNCIL  
**Application Type:** ZONING MAP AMENDMENT  
**File Number:** Z-301  
**Location:** CASEY EAST - NORTHWEST INTERSECTION OF MD 355 and WATKINS MILLS RD.  
**Applicant:** BP REALTY INVESTMENTS, LLC  
**Current Zoning:** I-3 (INDUSTRIAL OFFICE PARK) ZONE  
**Requested Zone:** MXD (MIXED USE DEVELOPMENT) ZONE  
**Day/ Date/Time:** JUNE 20, 2005  
**Place:** COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE

#### \*\*\*IMPORTANT\*\*\*

This is a proposal to rezone 40.10 acres of land, currently known as Casey East (Parcels P360, P563, and N455) located at the northwest intersection of MD Route 355 (North Frederick Avenue) and Watkins Mill Road, in the City of Gaithersburg, from the existing I-3 (Industrial Office Park) Zone to the MXD (Mixed Use Development) Zone, in accordance with §24-196 (map amendments) of the City Code. This is a joint public hearing which allows the public an opportunity to participate and comment on the request. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: Caroline Seiden (TWS)  
Caroline Seiden, Planner  
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



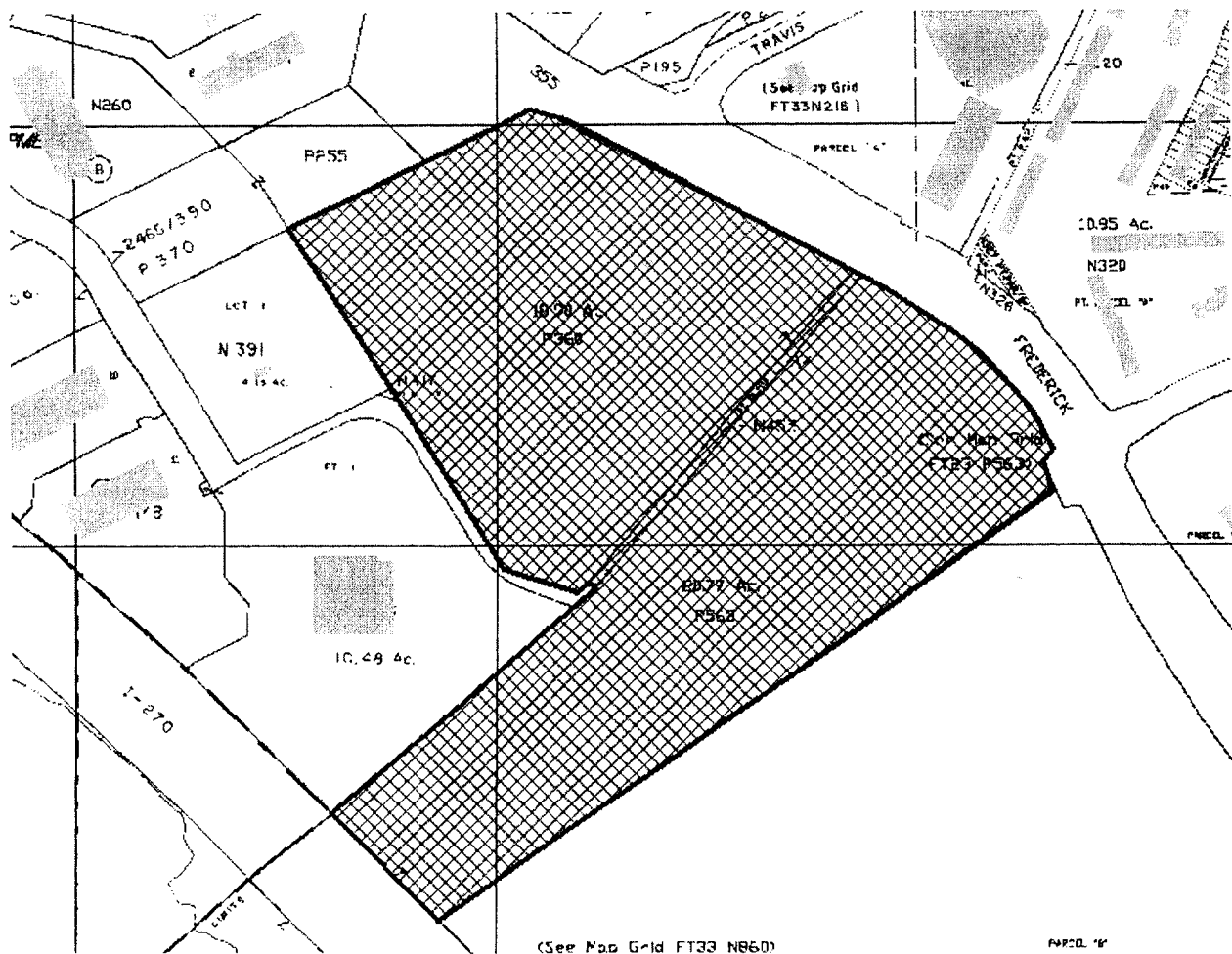
## APPLICANT AND INTERESTED PARTIES

MAYOR AND COUNCIL

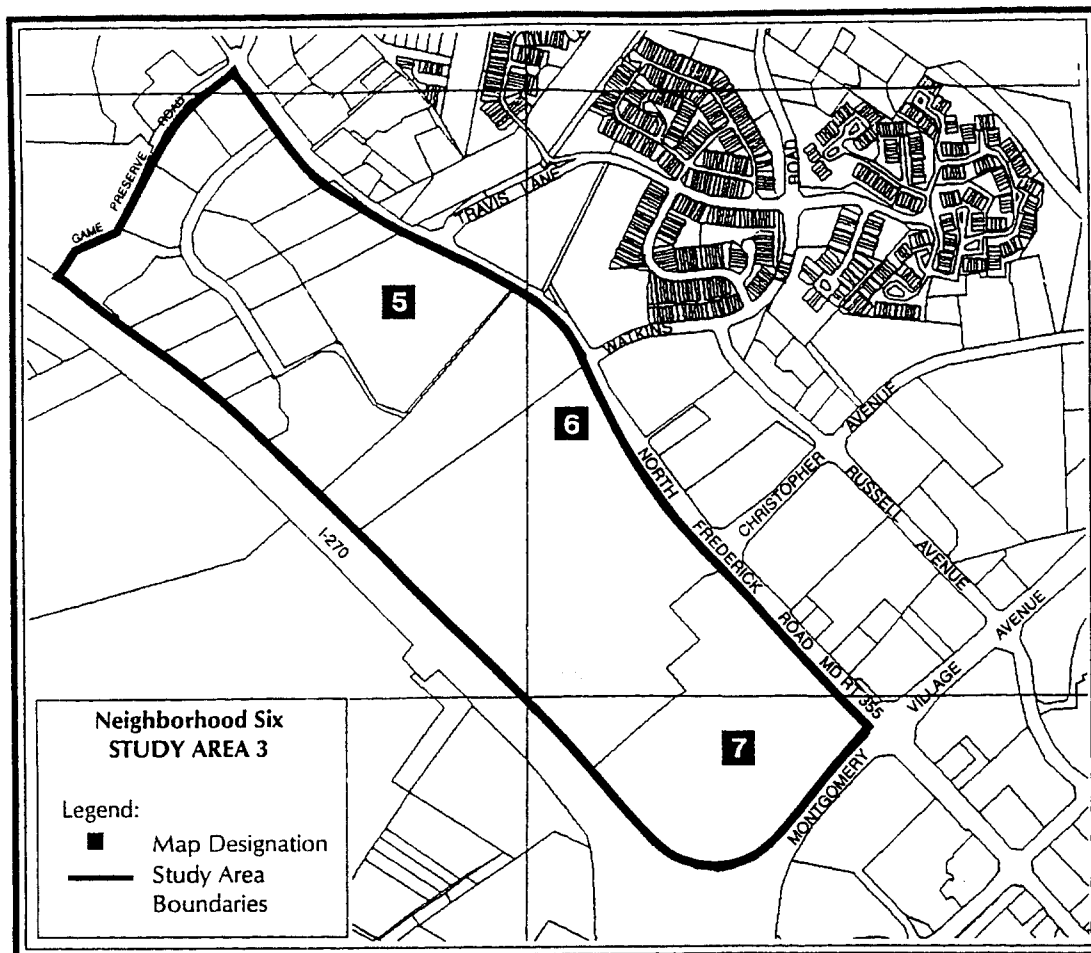
CITY STAFF

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Britta Monaco, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**CASEY EAST**  
**Z-301 and SDP-05-003**



## STUDY AREA 3



|                      |                            |
|----------------------|----------------------------|
| Total Area           | 104                        |
| Estimated Population | 0                          |
| Housing Units        | 0                          |
| Predominant Land Use | Industrial-Research-Office |
| Vacant Land          | 108 acres                  |

Study Area 3 is bounded on the north by Game Preserve Road which is the northern boundary of the City, on the east by Maryland Route 355 (North Frederick Road), on the south by Montgomery Village Avenue, and on the west by Interstate 270. Since the time of the 1986 master plan evaluation in this neighborhood, 121 acres of land owned by Lockheed Martin/I.B.M. has been annexed (1991) into the corporate limits and is now included in the subject study area.

The current land use in the neighborhood is dominated by industrial-research-office uses and has not changed significantly over the past ten years during which time not much significant development has taken place. North of the Lockheed Martin/I.B.M. holdings there are approximately 68 acres of vacant land, which represents 61 percent of all the vacant land available for development in this neighborhood.

Land use options, identified by map designation numbers on the Neighborhood Six Study Area 3 map on page 12, and listed in the accompanying chart beginning on page 16, are described as follows:

### Land Use Options

- 5** **Redesignate** parcels within Crown Pointe as **commercial/industrial-research-office** (Map Designation 5), to allow for expansion of office and research and development uses under the most flexible zoning options available. This map designation is a good location for signature buildings situated on sites within Study Area 3 where high visibility from Interstate 270 will create an attractive visual image for the City of Gaithersburg. All buildings should be required to front on Maryland Route 355 with parking to be located behind the buildings in order to camouflage large concentrated parking areas. This designation will permit greater zoning flexibility, higher level of design control, and a wider range of uses, particularly along Maryland Route 355. Additional flexibility in terms of permissible uses would be tempered by the controls typically exercised within the tenets of the MXD zone to control the quality of development therein.

#### Land Use and Zoning Actions:

- Adopted **commercial/industrial-research-office** land use designation
- Parcel rezoned to **MXD**

- 6** **Designate** the 73-acres of I.B.M. and N417, owned by the Casey Trust, as **commercial/industrial-research-office** (Map Designation 6) which equates to the Mixed Use development (MXD) Zone. Development of this site for commercial retail facilities could possibly include a hotel: expansion of office and research and development uses would be permitted. The City is currently evaluating the feasibility of constructing a new interchange at Watkins Mill Road Extended over Interstate 270 to link Neighborhoods Five and Six and provide alternative transportation options to the interchange of North Frederick Avenue and Montgomery Village Avenue. The location of any development on the vacant 33-acre parcel on the northern portion of the I.B.M. property should take into consideration the placement of a new interchange. The main emphasis of the siting of new buildings will be towards Watkins Mill Road Extended. Watkins Mill Road Extended should be designed so that it is compatible with surrounding uses and the design of the interchange incorporating, where feasible, appropriate traffic calming measures more in keeping with the City's design standards emphasizing pedestrian access. Access to the vacant 33 acres will be from Watkins Mill Road Extended and an additional access point from North Frederick Avenue.

#### Land Use and Zoning Actions:

- Adopted **commercial/industrial-research-office** land use designation
- Zoning remains **I-3**

- 7** **Redesignate** the 47-acre parcel owned by Lockheed/Martin as **commercial/industrial-research-office** (Map Designation 7). This parcel was annexed into the City as part of the larger I.B.M. annexation in 1991. This map designation will affix a land use to the property and the parcel should be rezoned to MXD.

#### Land Use and Zoning Actions:

- Adopted **commercial/industrial-research-office** land use designation
- Parcel rezoned to **MXD**

Study Area 3 would benefit from the adoption of design guidelines to control the visual appearance and location of buildings fronting on Maryland Route 355 and Watkins Mill Road Extended. Wherever possible, parking shall not be permitted to be located so as to front on Maryland Route 355 or Watkins Mill Road Extended. Inasmuch of the land fronting on Route 355 is vacant, tremendous visual impact can be attained through the adoption of such guidelines. Additionally, guidelines must attempt to control the appearance of buildings proximate to Interstate 270.

**PROJECTIONS FOR STUDY AREA 1  
WITH CURRENT DEVELOPMENT**

Office Development

|                             |                   |
|-----------------------------|-------------------|
| Crown Pointe                | 318,523 sq. ft.   |
| Russell Office Park         | 115,000 sq. ft.   |
| Montgomery Executive Center | 122,522 sq. ft.   |
| I.B.M.                      | 422,051 sq. ft.   |
| Lockheed/Martin             | 520,850 sq. ft.   |
| TOTAL                       | 1,498,946 sq. ft. |

## LAND USE CLASSIFICATION HIERARCHY

Low Density Residential  
Medium-Low Density Residential  
Medium Density Residential  
High Density Residential  
Mixed Residential  
Residential-Office  
Commercial-Office-Residential  
Mixed Use  
Commercial  
Commercial-Industrial-Research-Office  
Industrial-Research-Office  
Industrial  
Institutional  
Open Space

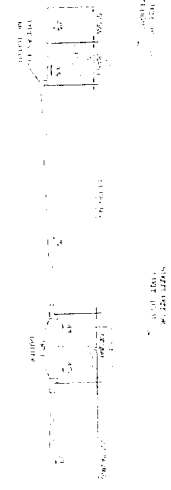
## ZONING CATEGORIES

|      |   |
|------|---|
| R-A  | Low Density Residential (maximum density: 2 units per acre)       |
| R-90 | Medium Density Residential (maximum density: 3.5 units per acre)  |
| R-6  | Medium Density Residential (maximum density: 6 units per acre)    |
| RP-T | Medium Density Residential (maximum density: 9 units per acre)    |
| R-18 | Medium Density Residential (maximum density: 18 units per acre)   |
| R-20 | Medium Density Residential (maximum density: 21.5 units per acre) |
| R-H  | High Density Residential (maximum density: 54 units per acre)     |
| R-O  | Planned Residential   |
| R-B  | Residential Buffer  |
| C-B  | Commercial Buffer   |
| C-1  | Local Commercial  |
| C-2  | General Commercial  |
| C-3  | Highway Commercial  |
| CBD  | Central Business District   |
| C-P  | Commercial Office Park  |
| E-1  | Urban Employment  |
| E-2  | Moderate Intensity Industrial Park                                |
| I-1  | Light Industrial  |
| I-3  | Industrial and Office Park  |
| I-4  | General Industrial  |





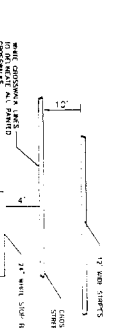




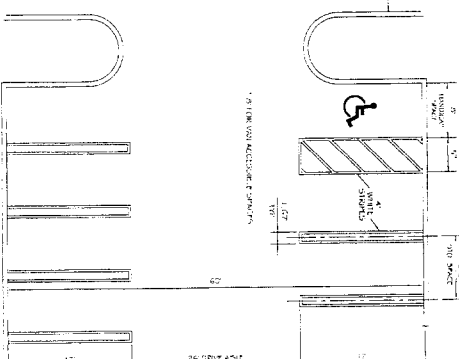
SCALE: 1" = 10'



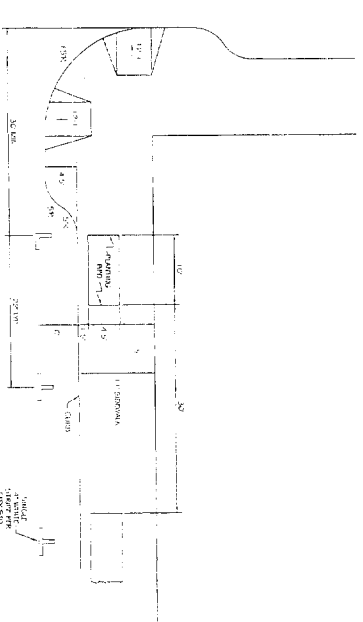
WATKINS MILL ROAD  
SCALE: 1" = 10'



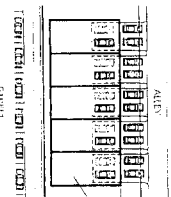
**TYPICAL CROSSWALK**  
N.T.S.



**TYPICAL PARKING SPACE STRIPING DETAIL**



PARALLEL PARKING/SIDEWALK/PLANTER DETAIL  
SCALE: 1" = 10'



LOFT TOWNHOUSES  
2 UNITS, 12,000 SQ. FT. ALL

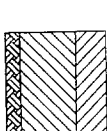
| PENDING PROCEEDINGS     |     | PENDING PROCEEDINGS     |     |
|-------------------------|-----|-------------------------|-----|
| 1. PENDING PROCEEDINGS  | 20  | 1. PENDING PROCEEDINGS  | 20  |
| 2. PENDING PROCEEDINGS  | 20  | 2. PENDING PROCEEDINGS  | 20  |
| 3. PENDING PROCEEDINGS  | 20  | 3. PENDING PROCEEDINGS  | 20  |
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| 11. PENDING PROCEEDINGS | 20  | 11. PENDING PROCEEDINGS | 20  |
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| 14. PENDING PROCEEDINGS | 20  | 14. PENDING PROCEEDINGS | 20  |
| 15. PENDING PROCEEDINGS | 20  | 15. PENDING PROCEEDINGS | 20  |
| 16. PENDING PROCEEDINGS | 20  | 16. PENDING PROCEEDINGS | 20  |
| 17. PENDING PROCEEDINGS | 20  | 17. PENDING PROCEEDINGS | 20  |
| 18. PENDING PROCEEDINGS | 20  | 18. PENDING PROCEEDINGS | 20  |
| 19. PENDING PROCEEDINGS | 20  | 19. PENDING PROCEEDINGS | 20  |
| 20. PENDING PROCEEDINGS | 20  | 20. PENDING PROCEEDINGS | 20  |
| TOTAL PROCEEDINGS       | 400 | TOTAL PROCEEDINGS       | 400 |

|   | REVENUE   | EAT       | NO. EMPLOYEES | CAPX    | R&D EXPENSE | S&M     |
|---|-----------|-----------|---------------|---------|-------------|---------|
| Owner: Dr. Chipper<br>BP Realty Investments, LLC<br>10900 Falls Road, Suite 100<br>Pikesville, Maryland 20854<br>Ph: (410) 596-2109<br>Fax: (410) 596-2173<br>(Contact: Mr. Frank J. Henry) | 1,000,000 | 1,000,000 | 10            | 100,000 | 100,000     | 100,000 |

NOTES AND DETAILS

[illegible][illegible][illegible][illegible]

1. THE FIRST OR INTERMEDIATE SURFACE COURSE MUST BE PLACED AS SOON AS FIELD CONDITIONS ALLOW AFTER THE BITUMINOUS CONCRETE BASE HAS BEEN PLACED. NO TRAFFIC ALLOWED ON BASE COURSE UNTIL FIRST SURFACE COURSE HAS BEEN PLACED.



**TYPICAL PAVING SECTION**  
**N.T.S.**

## 1. MATERIAL USED

2. MATERIAL USED BEFORE THE 1973 ACTS OF SUBSTANCE SHALL BE COMPACTED TO AND LESS THAN 95% OF THE MAXIMUM DENSITY.

## STORM DRAIN NOTES


1. ALL STATION DRINKS SHALL BE CONSIDERED AS ADDITIONAL TO THE LATEST DRINKS LISTED IN THE STATION DRINKS LIST. ALL STATION DRINKS SHALL BE CONSIDERED AS ADDITIONAL TO THE LATEST DRINKS LISTED IN THE STATION DRINKS LIST.
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13. THE STATION DRINKS LIST SHALL BE CONSIDERED AS ADDITIONAL TO THE LATEST DRINKS LISTED IN THE STATION DRINKS LIST.

## Public PAVING NOTES

1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING STANDARDS:  
A. AASHTO SPECIFICATIONS FOR HOT MIX ASPHALT  
B. ASTM SPECIFICATIONS FOR PORTLAND CEMENT  
C. ASTM SPECIFICATIONS FOR GRAVEL
2. CONNECTIONS BETWEEN EXISTING PAVES SECTIONS AND RETENTION WALLS SHALL BE REINFORCED WITH STEEL BARS.
3. FLEXATIONS SHOWN ON THE PLANS ARE FOR PROPOSED SURFACE DRAIN FLOWERS, UNLESS OTHERWISE NOTED.
4. PAVING SURFACES SHALL BE SMOOTH & AT LEAST ONE COURSE WITHOUT DEFLECTIONS THAT MEET OR EXCEED THE SPECIFICATIONS FOR DESIGNATOR ROADWAYS.

## PRIVATE PAVING: NOT

1. THE RESEARCHERS OF COGNITIONISM BELIEVE IN THE IMPORTANCE OF THE STUDENT'S OWN EXPERIENCES AND CONCEPTS IN THE ACQUISITION OF A NEW LANGUAGE.
2. ALL LEARNING SHOULD BE FOR THE LEARNER'S BENEFIT AND NOT FOR THE BENEFIT OF THE TEACHER.
3. THE LEARNER MUST BE GIVEN THE OPPORTUNITY TO MAKE MISTAKES.
4. LEARNING IS NOT TO BE TAUGHT BUT LEARNED BY MEANS OF INTERACTION.
5. ALL LEARNERS, SPEAKERS AND LISTENERS, SHOULD BE GRANTED THE SAME OPPORTUNITIES TO LEARN.
6. CULTURE, CIRCUMSTANCES AND LEARNING SHOULD BE TAKEN INTO ACCOUNT IN THE ACQUISITION OF A NEW LANGUAGE.
7. LEARNING SHOULD BE A PERSONAL AND SUBJECTIVE EXPERIENCE FOR EACH LEARNER.
8. THE TEACHER IS NOT THE LEARNER'S MENTOR BUT HIS OR HER PARTNER IN THE LEARNING PROCESS.

 CALL "MISS UTILITY" AT  
1-800-257-7777  
48 Hours Before Start Of Construction

The receiver must notify all public utility companies with underground facilities in the area of proposed excavation and have these facilities located by the utility companies prior to commencing excavation. The receiver is responsible for compliance with requirements of Chapter 76A of the Maryland's County Code.

PARCELS 360, 563 AND N455

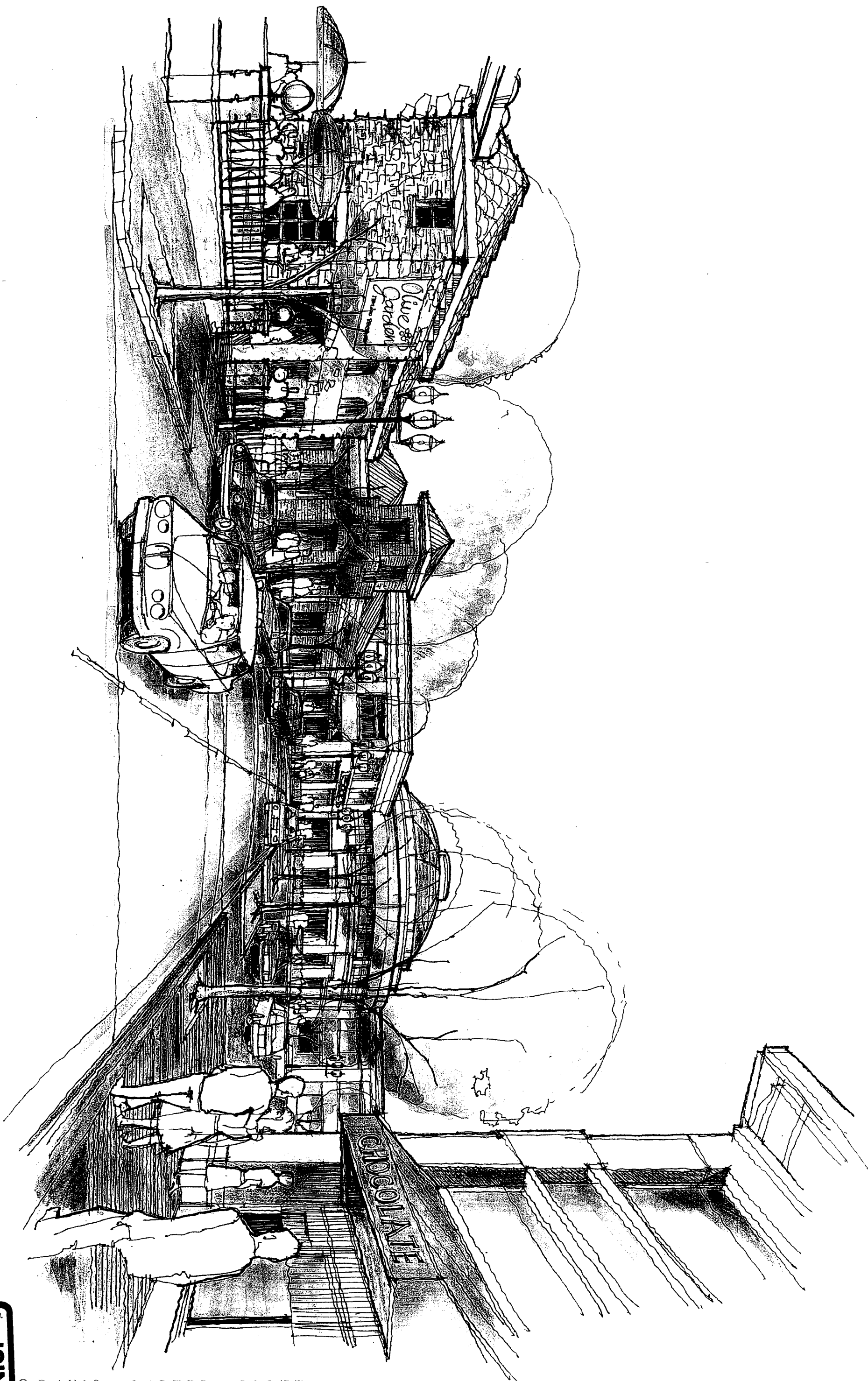
City of Chambersburg;  
9th Election District  
Montgomery County, Maryland

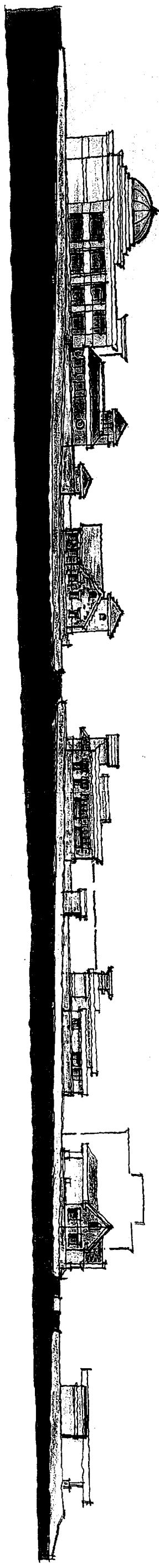
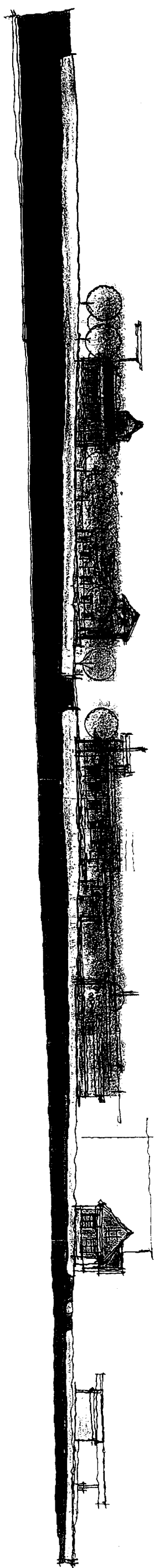
|       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| NO. 1 | NO. 2 | NO. 3 | NO. 4 | NO. 5 | NO. 6 | NO. 7 | NO. 8 | NO. 9 | NO. 10 | NO. 11 | NO. 12 | NO. 13 | NO. 14 | NO. 15 | NO. 16 | NO. 17 | NO. 18 | NO. 19 | NO. 20 | NO. 21 | NO. 22 | NO. 23 | NO. 24 | NO. 25 | NO. 26 | NO. 27 | NO. 28 | NO. 29 | NO. 30 | NO. 31 | NO. 32 | NO. 33 | NO. 34 | NO. 35 | NO. 36 | NO. 37 | NO. 38 | NO. 39 | NO. 40 | NO. 41 | NO. 42 | NO. 43 | NO. 44 | NO. 45 | NO. 46 | NO. 47 | NO. 48 | NO. 49 | NO. 50 | NO. 51 | NO. 52 | NO. 53 | NO. 54 | NO. 55 | NO. 56 | NO. 57 | NO. 58 | NO. 59 | NO. 60 | NO. 61 | NO. 62 | NO. 63 | NO. 64 | NO. 65 | NO. 66 | NO. 67 | NO. 68 | NO. 69 | NO. 70 | NO. 71 | NO. 72 | NO. 73 | NO. 74 | NO. 75 | NO. 76 | NO. 77 | NO. 78 | NO. 79 | NO. 80 | NO. 81 | NO. 82 | NO. 83 | NO. 84 | NO. 85 | NO. 86 | NO. 87 | NO. 88 | NO. 89 | NO. 90 | NO. 91 | NO. 92 | NO. 93 | NO. 94 | NO. 95 | NO. 96 | NO. 97 | NO. 98 | NO. 99 | NO. 100 |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|











|    | Floodplain | Wetland | Forest | Stream Valley Buffer | Total Tract |
|----|------------|---------|--------|----------------------|-------------|
| 1  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 2  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 3  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 4  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 5  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 6  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 7  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 8  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 9  | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 10 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 11 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 12 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 13 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 14 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 15 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 16 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 17 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 18 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 19 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 20 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 21 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 22 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 23 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 24 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 25 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 26 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 27 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 28 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 29 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 30 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 31 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 32 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 33 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 34 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 35 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 36 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 37 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 38 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 39 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 40 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 41 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 42 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 43 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 44 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 45 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 46 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 47 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 48 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 49 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 50 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 51 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 52 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 53 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 54 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 55 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 56 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 57 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 58 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 59 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 60 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 61 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 62 | 0.00       | 0.00    | 0.00   | 0.00                 | 0.00        |
| 6  |            |         |        |                      |             |

|             |       |     |       |        |
|-------------|-------|-----|-------|--------|
| Casey West  | 15.29 | 3.6 | 76.33 | 125.23 |
| Casey East  | 3.46  | 0   | 20.47 | 40.12  |
| Total Areas | 18.75 | 3.6 | 96.8  | 165.35 |

4 Revised March 10, 2005

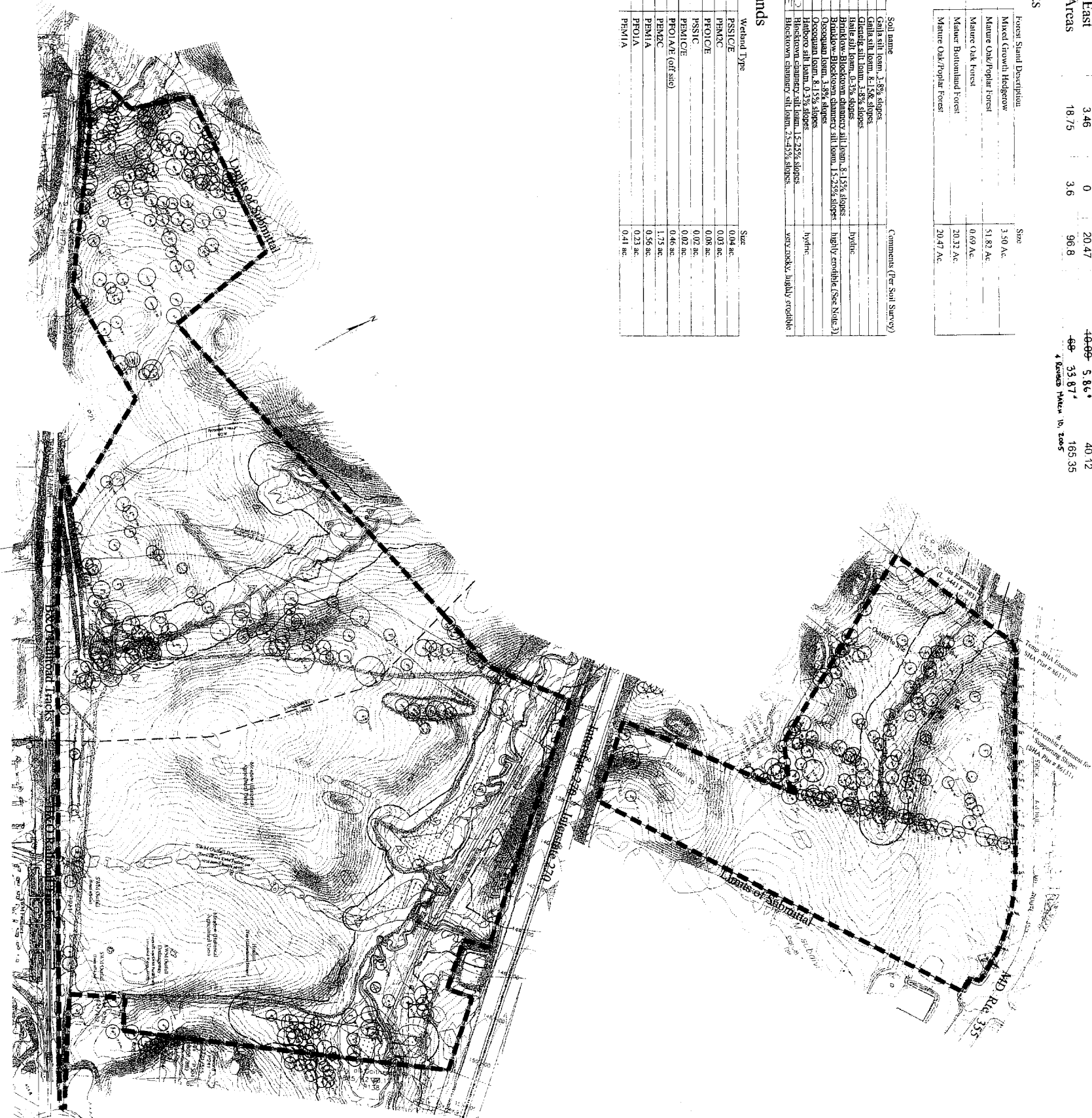
| Symbol | Forest Stand Description | Size      |
|--------|--------------------------|-----------|
| ①      | Mixed Growth Hedgerow    | 3.50 Ac.  |
| ②      | Mature Oak/Poplar Forest | 51.83 Ac. |
| ③      | Mature Oak Forest        | 0.69 Ac.  |
| ④      | Mature Burdianed Forest  | 20.33 Ac. |
| ⑤      | Mature Oak/Poplar Forest | 20.47 Ac. |

## Comments (Per Soil Survey)

| Symbol | Soil name                          | Comments (Per Soil Survey)     |
|--------|------------------------------------|--------------------------------|
| 1      | Galla silt loam, 3-8% slopes       |                                |
| 1      | Galla silt loam, 8-14% slopes      |                                |
| 2      | Galla silt loam, 3-8% slopes       | hyaline                        |
| 3      | Battle silt loam, 15-24% slopes    |                                |
| 1      | Blackwood silt loam, 8-15% slopes  | hyaline                        |
| 1      | Blackwood silt loam, 15-24% slopes | highly erodible (See Note 1)   |
| 1      | Oscoutan loam, 3-8% slopes         |                                |
| 1      | Oscoutan loam, 8-15% slopes        |                                |
| 1      | Hydoro silt loam, 15-24% slopes    | hyaline                        |
| 1      | Hydoro silt loam, 15-24% slopes    |                                |
| 1      | Hickory silt loam, 25-47% slopes   | very erodible, highly erodible |

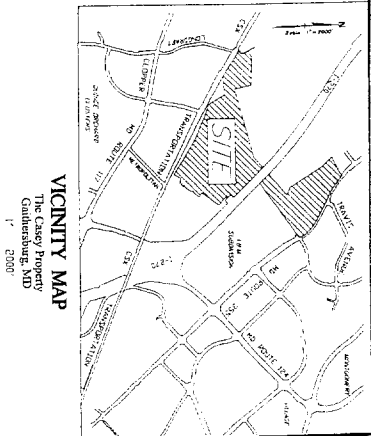
**Size**

| Symbol | Wetland Type       | Size<br>acres |
|--------|--------------------|---------------|
| Δ      | PSI/C/E            | 0.04 ac       |
| Δ      | PMNC               | 0.03 ac       |
| Δ      | PRO/C/E            | 0.06 ac       |
| Δ      | PSIC               | 0.02 ac       |
| Δ      | PSI/C/E            | 0.02 ac       |
| Δ      | PRO/A/E (off site) | 0.46 ac       |
| Δ      | PMNC               | 1.75 ac       |
| Δ      | PMMA               | 0.56 ac       |
| Δ      | PMMA               | 0.23 ac       |
| Δ      | PMMA               | 0.41 ac       |



City of Gaithersburg, Montgomery County, Maryland  
Election District # 9

# Casey Property

Casey Property  
Natural Resource Inventory/  
Forest Stand Delineation

### Legend

- [illegible]

**CITY OF GANNING RESOLUTION  
NO. 90-07 APPROVAL**

Approval with the following conditions:

- 1) a noise study is required per Section 34 of the Environmental Standards Act for the proposed development.
- 2) A Midlevel Management Plan is required per Section 31 of the Environmental Standards Act for the proposed development.
- 3) A design flood plain analysis is required per Section 29 of the Environmental Standards Act for the proposed development.
- 4) Wetland boundaries and associated buffers to be defined by the U.S. Army Corps of Engineers is a jurisdiction determination (7 d) required is pending review.

Qualified Professional Certification

I hereby certify that this form was prepared by the person named above and that the information is true and correct to the best of my knowledge and belief.

Signature of the person named above: *M. Dwyer*

Date: *12/2/04*

Print Name: *Dorothy Dwyer*

Print Title: *Assistant Superintendent*

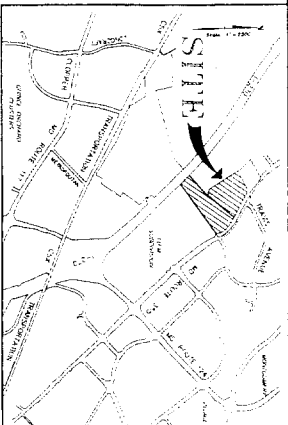
M. Dwyer  
Dwyer Road  
Cranab DH19 6FJ  
Dunliff Dwyer, Wales

**RODGERS**  
**CONSULTING**  
*Enhancing the value of land assets*

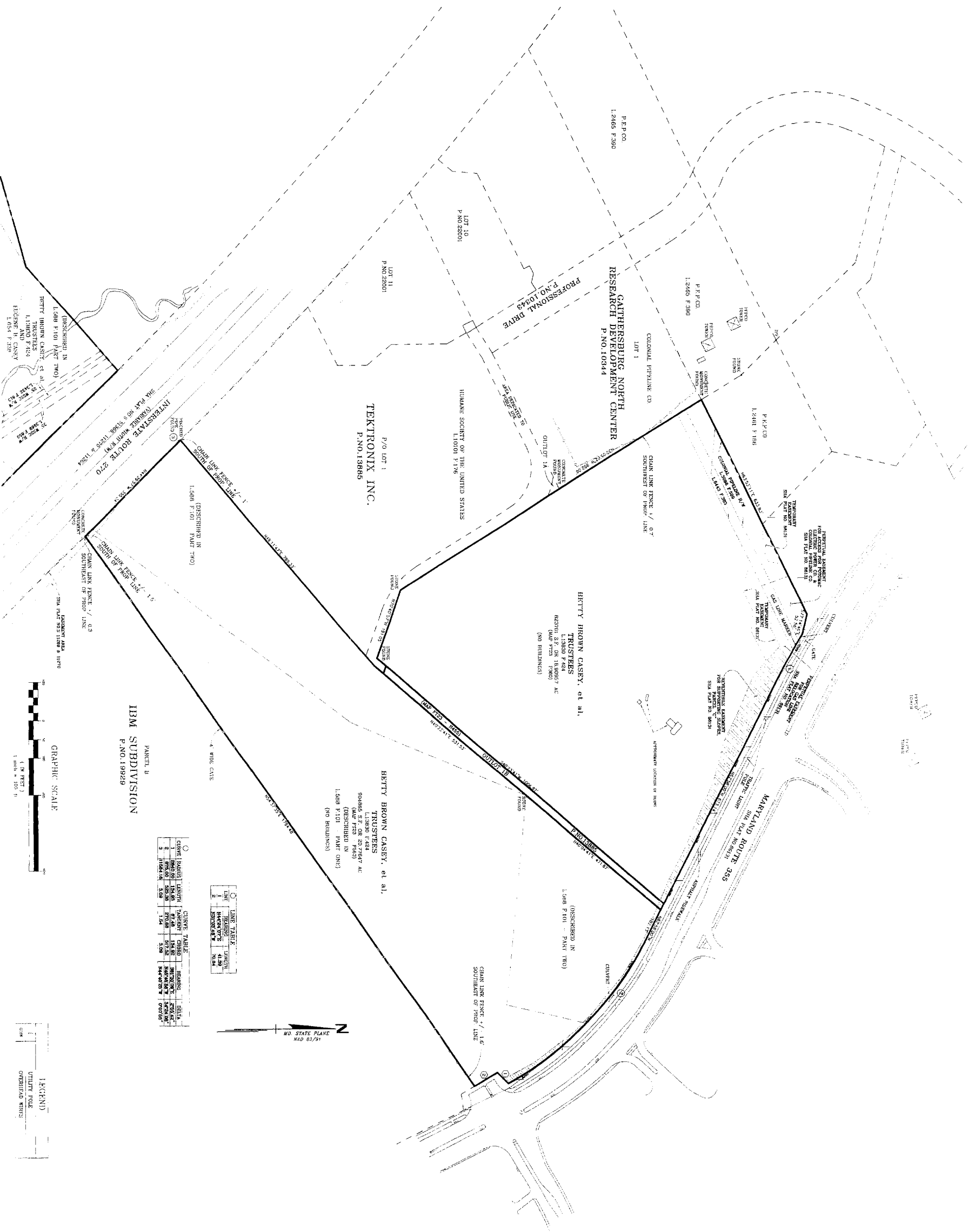
Rodgers Consulting  
19847 Century Blvd.  
Cerritos, CA  
301.948.4700  
301.948.6256 (fax)  
301.253.6609  
[www.rodgers.com](http://www.rodgers.com)

Natural Resources Inventory/Forest Stand Delineation: Casey Property

**JOINT  
EXHIBIT**  
#23  
2-301



PRELIMINARY NOT FOR CONSTRUCTION



CLINE TABLE

| LINE | START  | END    | LENGTH | BEARING | AREA   |
|------|--------|--------|--------|---------|--------|
| 1    | 100.00 | 100.00 | 100.00 | 0.00    | 100.00 |
| 2    | 100.00 | 100.00 | 100.00 | 0.00    | 100.00 |

CLINE TABLE

| LINE | START  | END    | LENGTH | BEARING | AREA   |
|------|--------|--------|--------|---------|--------|
| 1    | 100.00 | 100.00 | 100.00 | 0.00    | 100.00 |
| 2    | 100.00 | 100.00 | 100.00 | 0.00    | 100.00 |

N  
MD STATE PLANE  
NAD 83/91



IBM SUBDIVISION  
P. NO. 19929

TEKTRONIX INC.  
P. NO. 13885

BETTY BROWN CASEY, et al.  
TRUSTEES

BETTY BROWN CASEY, et al.  
TRUSTEES

GAIHERSBURG NORTH  
RESEARCH DEVELOPMENT CENTER  
P. NO. 10344

| REVISION | DATE    | BY | REASON  |
|----------|---------|----|---------|
| 1        | 10/1/00 | JL | INITIAL |
| 2        | 10/1/00 | JL | INITIAL |
| 3        | 10/1/00 | JL | INITIAL |
| 4        | 10/1/00 | JL | INITIAL |
| 5        | 10/1/00 | JL | INITIAL |
| 6        | 10/1/00 | JL | INITIAL |
| 7        | 10/1/00 | JL | INITIAL |
| 8        | 10/1/00 | JL | INITIAL |
| 9        | 10/1/00 | JL | INITIAL |
| 10       | 10/1/00 | JL | INITIAL |

|                             |                            |
|-----------------------------|----------------------------|
| Owner/Developer             | BP Realty Investments, LLC |
| 10000 Light Road, Suite 101 |                            |
| Potomac, Maryland 20854     |                            |
| Ph: (301) 299-2000          |                            |
| Fax: (301) 299-2013         |                            |
| Contact: Mr. Peter J. Henry |                            |

BOUNDARY SURVEY

**RODGERS**  
CONSULTING  
Enhancing the value of land assets

|                          |                    |
|--------------------------|--------------------|
| RODGERS CONSULTING, Inc. | 301 246 4700       |
| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |
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| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |
| 301 246 4700             | www.rodgersinc.com |

PARCELS 360, 563 AND N455

|                             |                       |
|-----------------------------|-----------------------|
| City of Gaithersburg        | 9th Election District |
| Montgomery County, Maryland |                       |

PARCELS 360, 563 AND N455 BOUNDARY SURVEY

**JOINT EXHIBIT**  
#24  
2-301

PENGAD-Bayonne, M. J.

# NEIGHBORHOOD SIX LAND USE PLAN DESIGNATIONS AND COMPREHENSIVE REZONING 1997

| MAP<br>DESIG | STUDY<br>AREA | SUBDIVISION/<br>PARCEL/LOT   | ACRES  | PROPERTY OWNERS                                       | 1996<br>ZONING | 1983<br>LAND USE DESIGNATION | 1996 DRAFT PLAN<br>LAND USE DESIGNATION               | PLANNING COMMISSION<br>RECOMMENDATION | MAYOR & COUNCIL<br>ADOPTION | ADOPTED<br>ZONING |
|--------------|---------------|--|--------|---|----------------|------------------------------|---|---------------------------------------|-----------------------------|-------------------|
| 1            | 1             | N903, N956   | 4.00   | Sports Pavilion, Inc.                                 | I-3            | Ind Rsch-Off                 | Comm (Opt A)<br>Comm/Ind-<br>Rsch- Off (Opt B)        | Comm                                  | Comm                        | C-2               |
| 2            | 2             | Pt Parcel "A"<br>(portion of<br>N441)  | 1.03   | Conrad V. Aschenbach                                  | C-2            | Ind-Rsch-Off                 | Ind-Rsch-Off (Opt A)<br>Comm-Off (Opt B)              | Ind-Rsch-Off                          | Comm-Off                    | C-2               |
| 3            | 2             | N616   | 5.24   | Price Enterprises, Inc.                               | C-2            | Comm-Rsch-Off                | Comm-Off  | Comm-Off                              | Comm-Off                    | C-2               |
| 4            | 2             | N727   | 1.90   | Montgomery County<br>Teachers Federal Credit<br>Union | C-2            | Comm                         | Comm  | Comm                                  | Comm                        | C-2               |
| 5            | 3             | N102, N167<br>N260, N273<br>N329, N391<br>N526, N530<br>P1151, P206<br>P424, P443<br>Lot 1 | 58.00  | Crown Pointe  | I-3            | Ind-Rsch-Off                 | Ind-Rsch-Off (Opt A)<br>Comm/Ind-<br>Rsch-Off (Opt B) | Comm/Ind-Rsch-Off                     | Comm/Ind-Rsch-Off           | MXD               |
| 6            | 3             | Northerly<br>Portion<br>of N860,<br>N417   | 221.89 | I.B.M.<br>Casey Trust                                 | I-3            | Ind-Rsch-Off                 | Comm/Ind-Rsch-Off                                     | Comm/Ind-Rsch-Off                     | Comm/Ind-Rsch-Off           | I-3               |
| 7            | 3             | -  | 47.00  | Lockheed/Martin                                       | I-3            | Ind-Rsch-Off                 | Ind-Rsch-Off  | Comm/Ind-Rsch-Off                     | Comm/Ind-Rsch-Off           | MXD               |

Abbreviations: Comm = Commercial Ind = Industrial Med = Medium Opt = Option Res = Residential  
Den = Density Inst = Institutional Off = Office Rec = Recreational Rsch = Research

# City of Gaithersburg Zoning Map

Effective December 22, 2003

I certify that this map accurately portrays the zoning boundaries shown on the Official City of Gaithersburg Zoning Map located in the City Manager's Office.

Signed \_\_\_\_\_ Title \_\_\_\_\_ City Planner

1 inch equals 1,300 feet  
1 300 650 0 Feet  
300 150 0 300 Meters



MD State Plane  
NAD 83 UTM

- Chapter 24 Zoning**
- C-1 Local Commercial
  - C-2 General Commercial
  - C-3 Highway Commercial
  - CBD Central Business District
  - CD Concor Development
  - CB Commercial Buffer

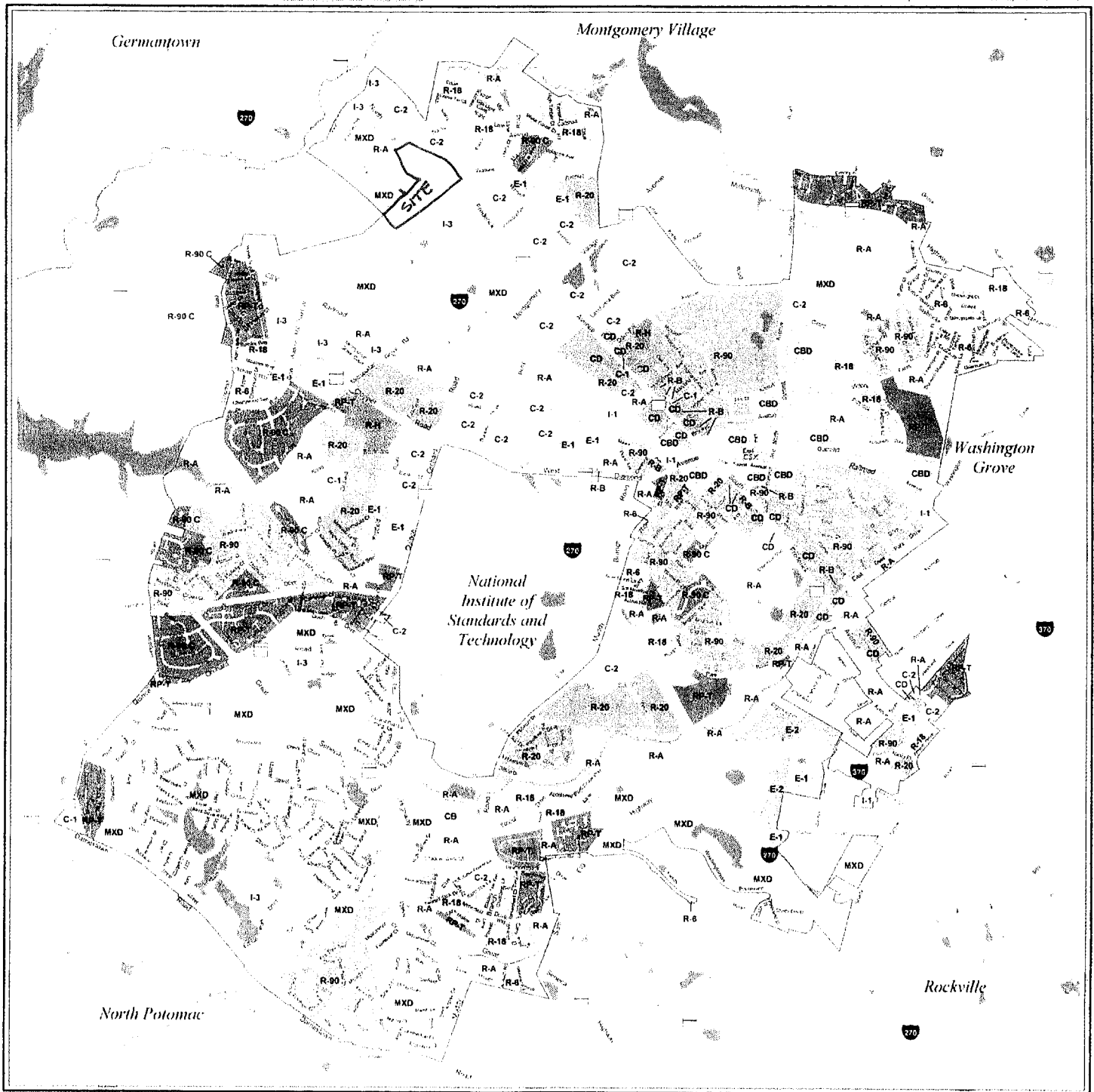
- I-1M Hotel/Motel
- E-1 Urban Employment
- E-2 Moderate Intensity Industrial Park
- C-P Commercial Office Park
- I-1 Light Industrial
- I-3 Industrial Office Park
- I-4 General Industrial
- MXD Mixed Use Development
- R-A Low Density Residential
- R-90 Medium Density Residential

- R-6 Medium Density Residential
- R-18 Medium Density Residential
- R-20 Medium Density Residential
- RP-T Medium Density Residential
- R-H High Density Residential
- R-50 Cluster Development
- R-O Planned Residential
- R-B Residential Buffer



City of Gaithersburg  
Planning and Code Admin  
11 S Summit Ave  
Gaithersburg, MD 20877  
www.gaithersburgmd.gov

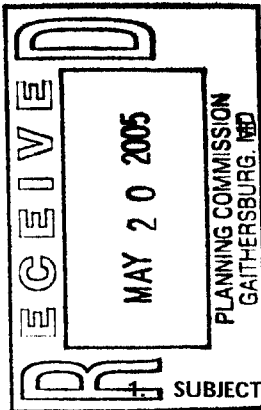
This map is a representation of the zoning boundaries shown on the Official City of Gaithersburg Zoning Map located in the City Manager's Office. It is not a legal document and should not be used for legal purposes. The map is subject to change without notice. The map is not a warranty of any kind and is not a representation of any kind. The map is not a warranty of any kind and is not a representation of any kind.



**INDEX OF MEMORANDA**  
**SDP-05-003**  
**CASEY EAST – THE EXCHANGE**

- 1) **Schematic Development Plan Application, May 19, 2005**
- 2) Application fees receipt
- 3) **Letter to Greg Ossont from Gary Unterberg, Rodgers Consulting, May 19, 2005**
- 4) **Parcels 360, 563 and N455 Property Owners**
- 5) **Location Map (Scale 1"=1000')**
- 6) **City of Gaithersburg Zoning Map with subject property identified**
- 7) **Parcels 360, 563 and N455 Adjacent Property Owners Mailing List**
- 8) Schematic Development Plan Cover Sheet, May 2005 (Sheet 1 of 9)
- 9) Schematic Development Plan, May 2005 (Sheet 2 of 9)
- 10) Schematic Development Plan, May 2005 (Sheet 3 of 9)
- 11) Notes and Details, May 2005 (Sheet 4 of 9)
- 12) Boundary Survey, May 2005 (Sheet 5 of 9)
- 13) Landscape and Lighting Plan, May 2005 (Sheet 6 of 9)
- 14) Landscape an Lighting Plan, May 2005 (Sheet 7 of 9)
- 15) Preliminary Forest Conservation Plan, May 2005 (Sheet 8 of 9)
- 16) Recertified Natural Resources Inventory/Forest Stand Delineation, May 2005 (Sheet 9 of 9)
- 17) **Schematic Development Plan Cover Sheet, Sheet 1 of 9 (reduced version)**
- 18) **Schematic Development Plan, Sheet 2 of 9 (reduced version)**
- 19) **Schematic Development Plan, Sheet 3 of 9 (reduced version)**

- 20) **Notes and Details, Sheet 4 of 9 (reduced version)**
- 21) **Boundary Survey, Sheet 5 of 9 (reduced version)**
- 22) **Landscape and Lighting Plan, Sheet 6 of 9 (reduced version)**
- 23) **Landscape an Lighting Plan, Sheet 7 of 9 (reduced version)**
- 24) **Preliminary Forest Conservation Plan, Sheet 8 of 9 (reduced version)**
- 25) **Recertified Natural Resources Inventory/Forest Stand Delineation, Sheet 9 of 9 (reduced version)**
- 26) **Architectural Sketches (two pages)**
- 27) **Parcels 360, 563 and N455 Preliminary Wildlife Management Plan, April 2002**
- 28) **Agency Transmittals**
- 29) **Letter requesting publication of the Legal Advertisement in the June 1 and June 8, 2005 edition of the *Gaithersburg Gazette* with attached facsimile transmittal confirmation**
- 30) **Notice of Joint Public Hearing, as sent June 1, 2005**
- 31) **List of Persons Notified of Joint Public Hearing**



## SITE PLAN APPLICATION

in accordance with Article III, Division 19, Section 24-160 D.9  
and Article V of the City Code

|               |            |
|---------------|------------|
| Application # | SDP-05-003 |
| Date Filed    | 5-19-05    |
| Total Fee     | \$5542 pd  |

- ☐ CONCEPT  
☐ PRELIMINARY  
☐ FINAL (MXD FEE APPLIES)  
☒ SCHEMATIC DEVELOPMENT

## SUBJECT PROPERTY

Project Name Parcels 360, 563, N455  
 Street Address Northwest intersection of MD Rte 355 & Watkins Mill Rd  
 Zoning MXD (Pending) Historic area designation ☐ Yes ☒ No  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Tax Identification Number **(MUST BE FILLED IN)** 09-03436262 (P.360); 09-03436273 (P.563);  
09-02214641 (N.455)

## 2. APPLICANT

Name Mr. Pete Henry, Bp Realty Investments, LLC  
 Street Address 10000 Falls Road Suite No. 100  
 City Potomac State MD Zip Code 20854  
 Telephones: Work 301-299-2099 Home \_\_\_\_\_

## 3. CITY PROJECT NUMBER

Original Site Plan Number (if applicable) \_\_\_\_\_  
 Name of previously approved Final Plan (if applicable) \_\_\_\_\_

## 4. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name Mr. Doug Carter, Davis, Carter, Scott  
 Architect's Maryland Registration Number \_\_\_\_\_ Telephone 703-556-9275  
 Street Address 1676 International Drive Suite No. 500  
 City McLean State VA Zip Code 22102

Engineer's Name Mr. Gary Unterberg, Rodgers Consulting, Inc.  
 Engineer's Maryland Registration Number \_\_\_\_\_ Telephone 301-948-4700  
 Street Address 19847 Century Blvd. Suite No. 200  
 City Germantown State MD Zip Code 20874

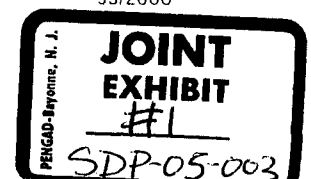
Developer's Name Mr. Pete Henry, BP Realty Investments Telephone 301-299-2099  
 Street Address 10000 Falls Rd Suite No. 100  
 City Potomac State MD Zip Code 20854  
 Contact Person \_\_\_\_\_

## 4. PROPERTY OWNER

Name See Attached  
 Street Address \_\_\_\_\_ Suite No. \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephones: Work \_\_\_\_\_ Home \_\_\_\_\_

continued on reverse side

5/3/2000



**6. PRIMARY USE**☒ Mixed Use☐ Non-Residential☐ Residential**7. PROPOSED UNIT TYPE**☒ Mixed Use☒ Retail/Commercial☐ Other☒ Office/Professional☒ Residential Multi-Family☒ Restaurant☒ Residential Single Family**8. WORK DESCRIPTION**Mixed Use; Office/Restaurant/Retail/Service Station/Residential/Senior/Public**9. PROJECT DETAIL INFORMATION.** Please supply the following information

| DEVELOPMENT INFORMATION  |         | REQUIRED              | PROVIDED              |
|--|---------|-----------------------|-----------------------|
| 1. Site (square feet)  |         |                       | 1,746,894 sf ±        |
| 2. Site Area (acres)   |         |                       | 40.10 ac ±            |
| 3. Total Number of Dwelling Units/Lots   |         |                       | 303 du                |
| 4. Height of Tallest Building  |         |                       | per zone              |
| 5. Green Area (square feet)  |         |                       | -                     |
| 6. Number of Dwelling Units/Acre   |         |                       | mixed use             |
| 7. Lot Coverage (Percent)  |         |                       | N/A                   |
| 8. Green Area (Percent)  |         |                       | 25%/40% min           |
| 9. Residential   |         |                       | -                     |
| a. Single Family Detached  | # Units |                       | -                     |
| b. Single Family Attached  | # Units |                       | 10                    |
| c. Multi-Family Condo  | # Units |                       | 293                   |
| d. Multi-Family Apartment  | # Units |                       | -                     |
| e. Other   |         |                       | -                     |
| 10. Retail/Commercial  | Sq. Ft. |                       | 68,465                |
| 11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C | Sq. Ft. |                       | 37,100                |
| 12. Office/Professional  | Sq. Ft. |                       | 192,300               |
| 13. Warehouse/Storage  | Sq. Ft. |                       | 1,200                 |
| 14. Parking  |         | <del>2,065</del> NA   | <del>1,811</del> NA   |
| 15. Shared Parking/Waiver  |         | <del>1,081</del> 1700 | <del>1,090</del> 1811 |
| 16. Other  |         | -                     | -                     |
| 17. Total  |         | -                     | -                     |

**SUBMISSION REQUIREMENTS**

1. Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
2. Completion of the table above.
3. Completed checklist.
4. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print) Gary Unterberg RCI Agent

Applicant's Signature

Daytime Telephone 301-948-4700

Date 5/19/05 ✓

Rodgers Consulting, Inc.

# RODGERS

CONSULTING

*Enhancing the value of land assets*

May 19, 2005

City of Gaithersburg  
Planning and Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877

Attention: Mr. Greg Ossont, Director

Re: Parcels 360, 563, and N455  
SDP Application

Dear Greg,


On behalf of BP Realty Investments, LLC we are submitting the Schematic Development Plan application for Parcels 360, 563, and N455. The application fee reflects a credit of the previously submitted SDP and Concept Plan; \$1,527 application fee for CSP-02-001 and \$931 for "Part of Parcel 910 & Outlet 1B" SDP submitted 06.25.02

Enclosed are the following:

Schematic Development Plan (MXD Zone)  
15 Copies of SDP  
Application and Checklist  
Application Fee \$5,542 (\$8,000 SDP minus \$1,527 CSP, \$931 SDP, & receipts)  
\$800 Sign deposit (2 signs)  
List of Adjacent Owners  
Location Map  
2 sketch illustrations, architecture  
2 Preliminary Wildlife Management Plans

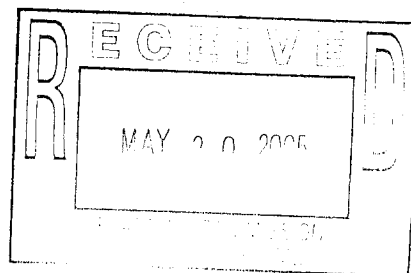
Please feel free to contact me if you have any questions, comments or concerns.

Sincerely,  
Rodgers Consulting, Inc.

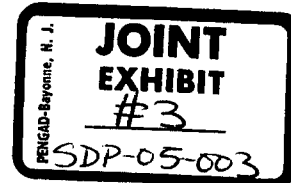
  
Gary F. Unterberg, RLA  
Vice President

cc: P. Henry BP Realty  
B. Kline BP Realty  
J. Kline, MMC  
D. Carter, DCS  
R. Atkinson, DCS

Fred Felton, City  
Jim Arnoult, DPW  
W. Guckert, TTC  
J. Carman, RCI  
File



N:\PROJDOCS\776A2\Corresp\042605 SDP Application Submission.doc



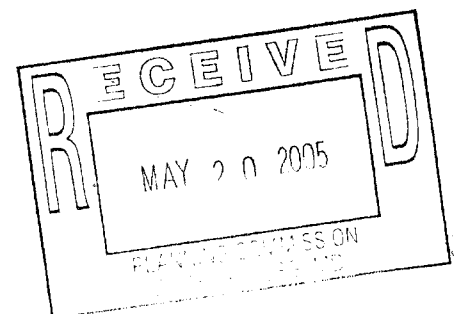
## **Parcels 360, 563, and N455 Property Owners**

### **Parcels 360 & 563**

Betty B Casey et al Tr.  
800 S Frederick Ave  
Suite 100  
Gaithersburg, MD 20877

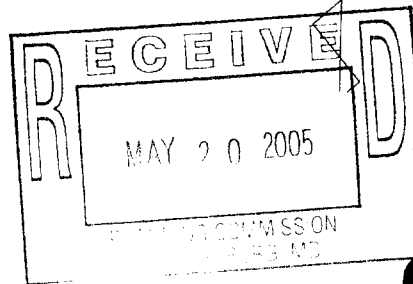
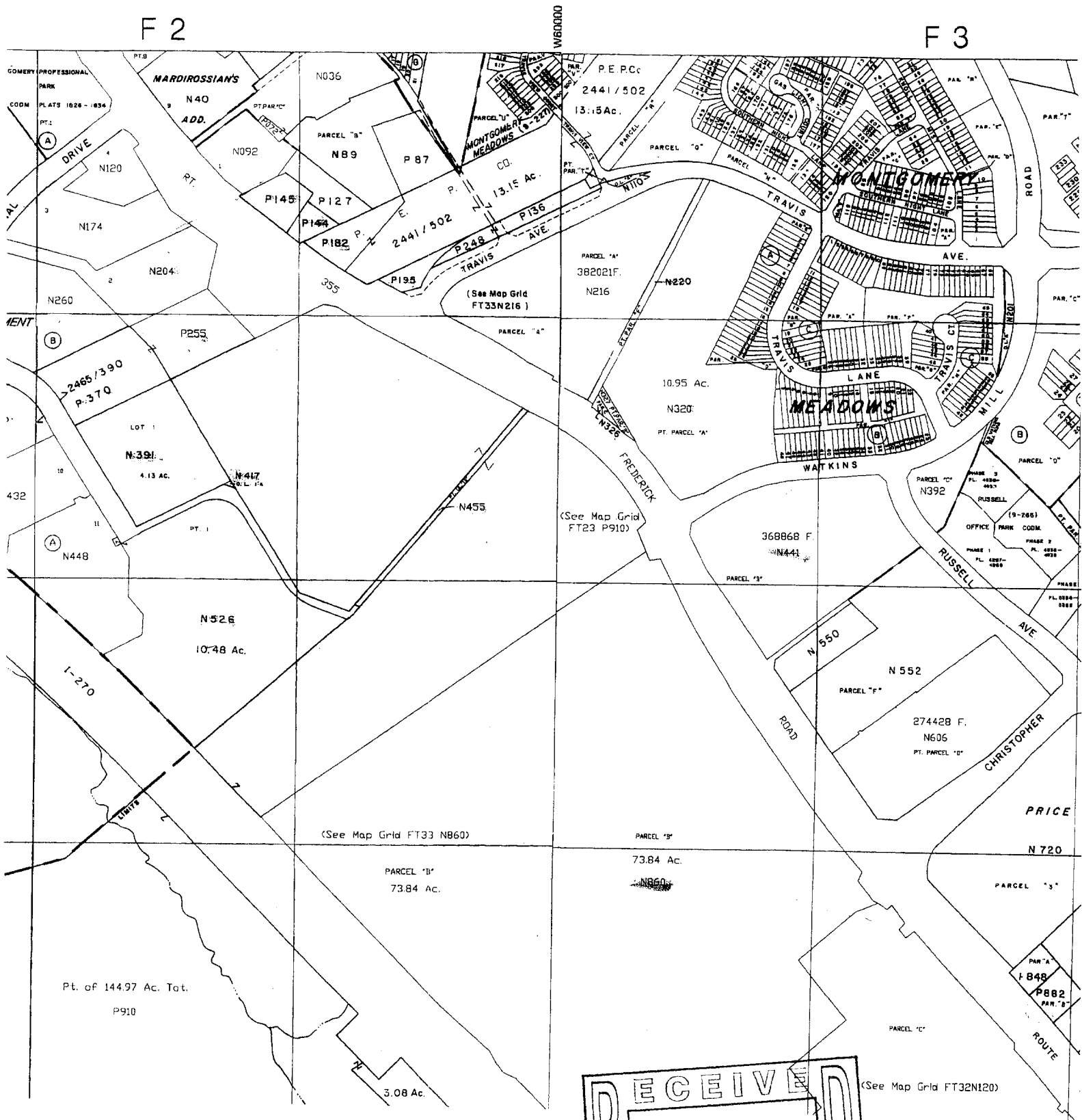
### **Parcel N455**

The Humane Society of the United States  
2100 L Street NW  
Washington, DC 20037



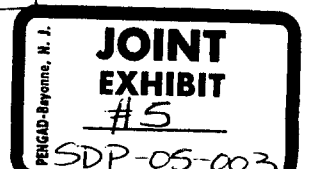
F 2

F 3



(See Map Grid FT32N120)

1"=1000'

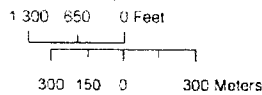


# Gaithersburg Zoning Map

December 22, 2003

Map depicts the zoning boundaries shown on the  
Zoning Map located in the City Manager's Office

Title City Planner



MD State Plane  
HPGN NAD 83/91

Zoning Ord. 22-2003 (Amended 2-13-2004)

## Chapter 24 Zoning

- C-1 Local Commercial
- C-2 General Commercial
- C-3 Highway Commercial
- CBD Central Business District
- CD Corridor Development
- CB Commercial Buffer

## Employment

- E-2 Moderate Intensity Industrial Park
- C-P Commercial Office Park
- I-1 Light Industrial
- I-3 Industrial Office Park
- I-4 General Industrial
- MXD Mixed Use Development
- R-A Low Density Residential
- R-90 Medium Density Residential

## Medium Density Residential

- R-20 Medium Density Residential
- RP-T Medium Density Residential
- R-H High Density Residential
- R-90 Cluster Development
- R-O Planned Residential
- R-B Residential Buffer



City of Gaithersburg  
Planning  
315  
Gaithersburg  
www.gp

Map depicts the zoning boundaries shown on the  
Zoning Map located in the City Manager's Office

Map depicts the zoning boundaries shown on the  
Zoning Map located in the City Manager's Office

Germantown

Montgomery Village



National  
Institute of  
Standards and  
Technology

Washin  
Grov

North Potomac

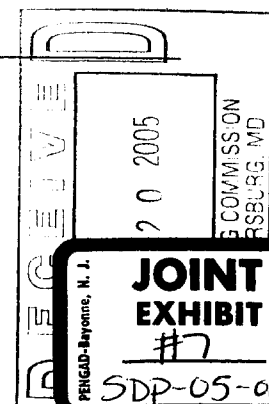
PRIGAD-Bayonne, N. J.

**JOINT  
EXHIBIT  
#6**

SDP-05-003

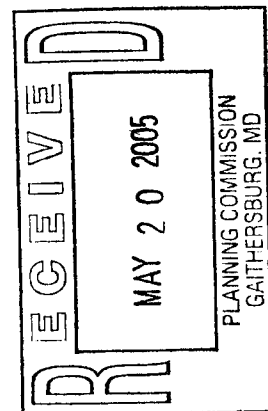
Parcels 360, 563, and N455  
Adjacent Owners Mailing List

| Name                                    | Mailing Address   | Premises Address   | Parcel | Use                        |
|---|---|--|--------|----------------------------|
| The Humane Society of the United States | 2100 L Street NW<br>20037   | Washington, DC 700 Professional Dr<br>Gaithersburg, MD 20879                     | N526   | Exempt<br>Commercial       |
| The Humane Society of the United States | 2100 L Street NW<br>20037   | Washington, DC Professional Dr,<br>Gaithersburg, MD<br>OL 1A Tektronix Inc       | N417   | Industrial                 |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW<br>20068-0001                       | Washington, DC Frederick Rd<br>Gaithersburg, MD<br>Chas & John Res               | P255   | Commercial/<br>Residential |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW                                     | 501 Professional Dr<br>Gaithersburg, MD 20877                                    | P307   | Commercial/<br>Residential |
| Potomac Electric Power Co.              | c/o Corp Tax Dept. Ste. 5617 701<br>9th ST NW                                     | Frederick Rd<br>Gaithersburg, MD<br>Res on Charles & John                        | P182   | Commercial/<br>Residential |
| Colonial Pipeline Co.                   | PO Box 1624<br>30009-1624   | Alpharetta, GA 600 Professional Dr<br>Gaithersburg, MD 20877                     | N391   | Industrial                 |
| BRE/ESA MD Properties Business Trust    | c/o Blackstone Rea IV LLC 345<br>Park Ave<br>New York, NY 10154-0004              | 205 Professional Dr<br>Gaithersburg, MD 20878                                    | N204   | Industrial                 |
| City of Gaithersburg                    | 31 S Summit Ave<br>20877  | Gaithersburg, MD Frederick Rd<br>Gaithersburg, MD<br>Res on Younger Bros         | P195   | Exempt<br>Commercial       |
| Libereto Enterprises LLC                | 18645 N Frederick Ave<br>Gaithersburg, MD 20879                                   | 18645 Frederick Rd<br>Gaithersburg, MD 20878                                     | P144   | Commercial                 |
| Miranda LLC                             | PO Box 86009<br>Gaithersburg, MD 20886  | 18701 Frederick RD<br>Gaithersburg, MD 20877                                     | P145   | Commercial                 |
| Mr 270 NMD I LLC                        | c/o Monument Realty, LLC 115<br>Connecticut Ave NW, FL 7<br>Washington, DC 20036  | 800 N Frederick Rd<br>Gaithersburg, MD   | N815   | Industrial                 |
| Watkins Mill Real Estate LLC            | c/o King Linc-Merc-Merkur<br>953 N Frederick Ave # 7540<br>Gaithersburg, MD 20879 | 953 N Frederick Ave<br>Gaithersburg, MD 20878                                    | N441   | Commercial                 |
| McCormick realty Ltd PTNSHP             | c/o Kimco Realty Corp<br>3333 New Hyde Park Rd #100<br>New Hyde Park, NY 11042    | 18501 N Frederick Ave<br>Gaithersburg, MD 20879                                  | N216   | Commercial                 |
| Monumental Corporation                  | 25 South Charles St<br>Baltimore, MD 21201  | N Frederick Ave<br>Gaithersburg, MD<br>Merger PL 10607 PAR F<br>TWN & CTRY Gaith | N220   | Apartments                 |



Parcels 360, 563, and N455  
Adjacent Owners Mailing List

| Name                   | Mailing Address  | Premises Address   | Parcel | Use        |
|------------------------|--|--|--------|------------|
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par B Twn & Ctry<br>Gaithersburg | N327   | Apartments |
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par C Twn & Ctry<br>Gaithersburg | N326   | Apartments |
| T-C Montgomery Company | c/o Town & Country Management<br>100 South Charles St<br>Baltimore, MD 21201 | N Frederick Ave<br>Gaithersburg, MD<br>PT Par A Twn & Ctry<br>Gaithersburg | N320   | Apartments |



## Parcels 360, 563, and N455

### *Preliminary Wildlife Management Plan*

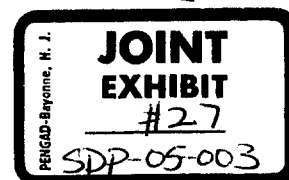
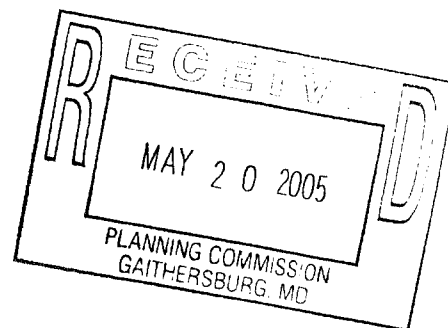
For:

BP Realty Investments, L.L.C.  
6723 Whittier Avenue, Suite 306C  
McLean, Virginia 22102  
Attn: Mr. Peter J. Henry

By:

Rodgers Consulting, Inc.  
19847 Century Blvd., Suite 200  
Germantown, Maryland 20874  
Rodgers Job No. 776 A2  
Attn.: Dusty Rood

April, 2002



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| <b>Section Three</b> | <b>Wildlife Management Timeframe</b><br><b>Wildlife Inventory</b><br><b>Final Wildlife Management Plan</b><br><b>Implementation</b> |
| <b>Section Four</b>  | <b>Summary</b>  |
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## **EXECUTIVE SUMMARY**

This Preliminary Wildlife Management Plan has been prepared for Parcels 360, 563, and N455 of Gaithersburg, Maryland, hereafter referred to as the subject site. The purpose of this report is to propose the preliminary wildlife management strategies for minimizing wildlife conflict with development of the subject site. This report does not include a wildlife inventory nor does it prescribe a wildlife management solution. Rather, this report will introduce the timeframe for the wildlife inventory, necessary coordination needs, potential challenges, and the various players involved.

Historically, a major challenge involved with managing wildlife for development projects was the point in the development process for planning for wildlife management. It is the intention of this preliminary wildlife plan to determine the challenges that exist for this project related to wildlife management and propose the preliminary measures for ensuring the minimization of wildlife species. An added benefit for wildlife management is the early inclusion of a preliminary wildlife plan. In the past, late planning for wildlife management created additional challenges for the project and for the City of Gaithersburg.

## SITE INTRODUCTION

The subject site is described as Parcels 360, 563, and N455 of tax map FT 123 combining to create 40.1± Acres. The current use of the site includes open field and forest. Preliminary studies associated with the preparation of the Natural Resources Inventory/Forest Stand Delineation found a population (size not determined) of White-tailed Deer as well as other urban wildlife species.

The forest is dominated by mature species of Oak *Quercus spp.* and Tulip Poplar *Liriodendron tulipifera* and is bisected by a first-order, perennial tributary to Great Seneca Creek to be considered Waters of the United States. The soils found on site are dominated by Brinklow-Blocktown channery silt loam, Gaila silt loam and Glenelg silt loam. The subject site contains no area of wetlands outside of the limits of the Waters of the United States. The subject site is bounded to the east by Maryland Route 355, to the north by the PEPCO Utility Lines and the Humane Society Parcel, to the west by Interstate 270, and to the south by

## **WILDLIFE MANAGEMENT TIMEFRAME**

The underlying notion behind wildlife management is the seasonal nature of many wildlife species. While some species may be in a migratory period, other species may be in a nesting period. The ultimate management solution will need to understand these instances so that the proper planning can occur.

### **Wildlife Inventory**

The first step in the process includes completing a wildlife inventory to determine the wildlife species present on the subject site. This inventory will take into account those populations that permanently reside on the property, temporarily reside on the property (migration patterns), and/or rely on property resources. The wildlife inventory will result in a list of included species. The wildlife inventory provides the baseline data for which the subsequent management plans and implementation can take place. The wildlife inventory shall be conducted by Rodgers Consulting, Inc. utilizing appropriate techniques as applicable. The Humane Society of the United States may also participate with the wildlife inventory.

### **Final Wildlife Management Plan**

The final parameters prescribed shall be determined once more information becomes available. Due to the nature of wildlife, this information may change at the last moment. Once the wildlife inventory has been completed a matrix can be developed that illustrates those timeframes that the included species are migrating, breeding, nesting, or rearing the young. This matrix can then be overlaid on the development schedule to determine where specific management strategies need to be employed. While the options for dealing with wildlife are numerous, some examples of specific strategies include:

|                           |  |
|---------------------------|--|
| Wildlife Relocation       | Lethal Removal                                 |
| Fencing and Repellents    | Allowing Nature to take its course             |
| Contraceptive Agents      | Furnishing Additional Food to reduce conflicts |
| Deer Reflectors (Traffic) | Den Disturbance                                |
| Education Approach        | Strategic Development Scheduling               |

The ultimate approach used to minimize human/wildlife conflict is to be determined. It is likely that the management strategy will utilize several approaches for minimizing conflicts. Determination of the wildlife management strategy shall have collective and comprehensive input from the City of Gaithersburg, the Humane Society of the United States, Rodgers Consulting, Inc. and the applicant.

### **Implementation**

The implementation shall be determined based upon the findings of the wildlife inventory and the subsequent wildlife management strategies to be outlined in the Final Wildlife Management Plan.

## **SUMMARY**

Early establishment of the methods, procedures and timeframe for wildlife management to take place establishes the baseline program for wildlife management. The Humane Society of the United States has established that they would be involved with the development of wildlife management program. Due to the nature of wildlife management, comprehensive involvement aids in the assurance of a successful program that minimizes conflicts. Utilizing the comprehensive collection of expertise coupled with the early wildlife considerations, conflicts between humans and wildlife should be minimized.

**APPENDIX A**  
Natural Resource Inventory Map



May 26, 2005

Ms. Karey Major  
Law Section  
The Gaithersburg Gazette  
P.O. Box 6006  
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **June 1** and **June 8, 2005** issues of the Gaithersburg Gazette.

Sincerely,

Caroline Seiden  
Planner  
chs

ASSIGN CODE: SDP-05-003/Acc.# 133649

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**NOTICE OF JOINT PUBLIC HEARING**

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Schematic Development Plan **SDP-05-003**, filed by BP Realty Investments, LLC on

**MONDAY**  
**June 20, 2005**  
**AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The applicant requests approval of the schematic development plan, **SDP-05-003**, known as Casey East (Parcels 360, 563 and N455) in Gaithersburg, Maryland. The proposed plan is a mix of uses, including 303 residential units, and office, restaurant, retail, service station, and public uses on approximately 40.10 acres of land. The subject property is located northwest of the intersection of Maryland Route 355 (North Frederick Avenue) and Watkins Mills Road, Gaithersburg, Maryland. The applicant is also requesting a change from the I-3 (Industrial Office Park) Zone to the Mixed Use Development (MXD) Zone.

Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Caroline Seiden  
Planner

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitheburgmd.gov • www.gaitheburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
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Geraldine E. Edens  
Blanche H. Koller  
Henry F. Marraffa, Jr.  
John B. Schlichting

CITY MANAGER  
David B. Humpal

PRICED-BAYENNE, N. J.

**JOINT  
EXHIBIT  
#29**

SDP-05-003

MODE = MEMORY TRANSMISSION

START=MAY-26 12:12

END=MAY-26 12:13

FILE NO.=456

| STN NO. | COMM. | ABBR NO. | STATION NAME/TEL NO. | PAGES   | DURATION |
|---------|-------|----------|----------------------|---------|----------|
| 001     | OK    | <11>     | GAZ LEG              | 003/003 | 00:00:55 |

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



**Gaithersburg**  
A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO:

Karey Major

Gaithersburg Gazette

FAX NO.:

FROM:

Caroline Seider

FAX NO.:

TELEPHONE NO.:

301-258-6330

DATE:

5/26/05

TIME:

12:10

NO. OF PAGES ATTACHED:

2

MESSAGE:

Karey: Here are 2 legal ads for  
June 1 and June 8. I emailed  
them as well.

**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330**

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, MD 20877-2098  
plancode@gaitthersburgmd.gov www.gaithersburgmd.gov

**MAYOR**  
Sidney A. Katz

**CITY COUNCIL MEMBERS**  
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Geraldine E. Edens  
Blanche H. Keller  
Henry F. Marraffa, Jr.  
John B. Schlichting

**CITY MANAGER**  
David B. Humpton



*Gaithersburg*

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a joint public hearing at the time and place noted below.

*Meeting:* **MAYOR AND CITY COUNCIL MEETING**  
*Application Type:* **SCHEMATIC DEVELOPMENT PLAN**  
*File Number:* **SDP-05-003**  
*Location:* **CASEY EAST – NORTHWEST CORNER OF MD 355 AND  
WATKINS MILL ROAD**  
*Applicant:* **BP REALTY INVESTMENTS, LLC**  
*Development:* **MIXED USE**  
*Day/ Date/Time:* **MONDAY, JUNE 20, 2005 at 7:30 PM**  
*Place:* **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE**

**\*\*\* IMPORTANT \*\*\***

The applicant requests approval for the Schematic Development Plan (SDP), known as Casey East (Parcels 360, 563 and N455) in Gaithersburg, Maryland. The proposed plan includes a mix of uses, including 303 residential units, and office, restaurant, retail, service station, and public uses on approximately 40.10 acres of land. The subject property is located northwest of the intersection of Maryland Route 355 (North Frederick Avenue) and Watkins Mill Road. The applicant is also requesting a change from the I-3 (Industrial Office Park) Zone to the MXD (Mixed Use Development) Zone. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Caroline Seiden (TMS)  
Caroline Seiden, Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**



